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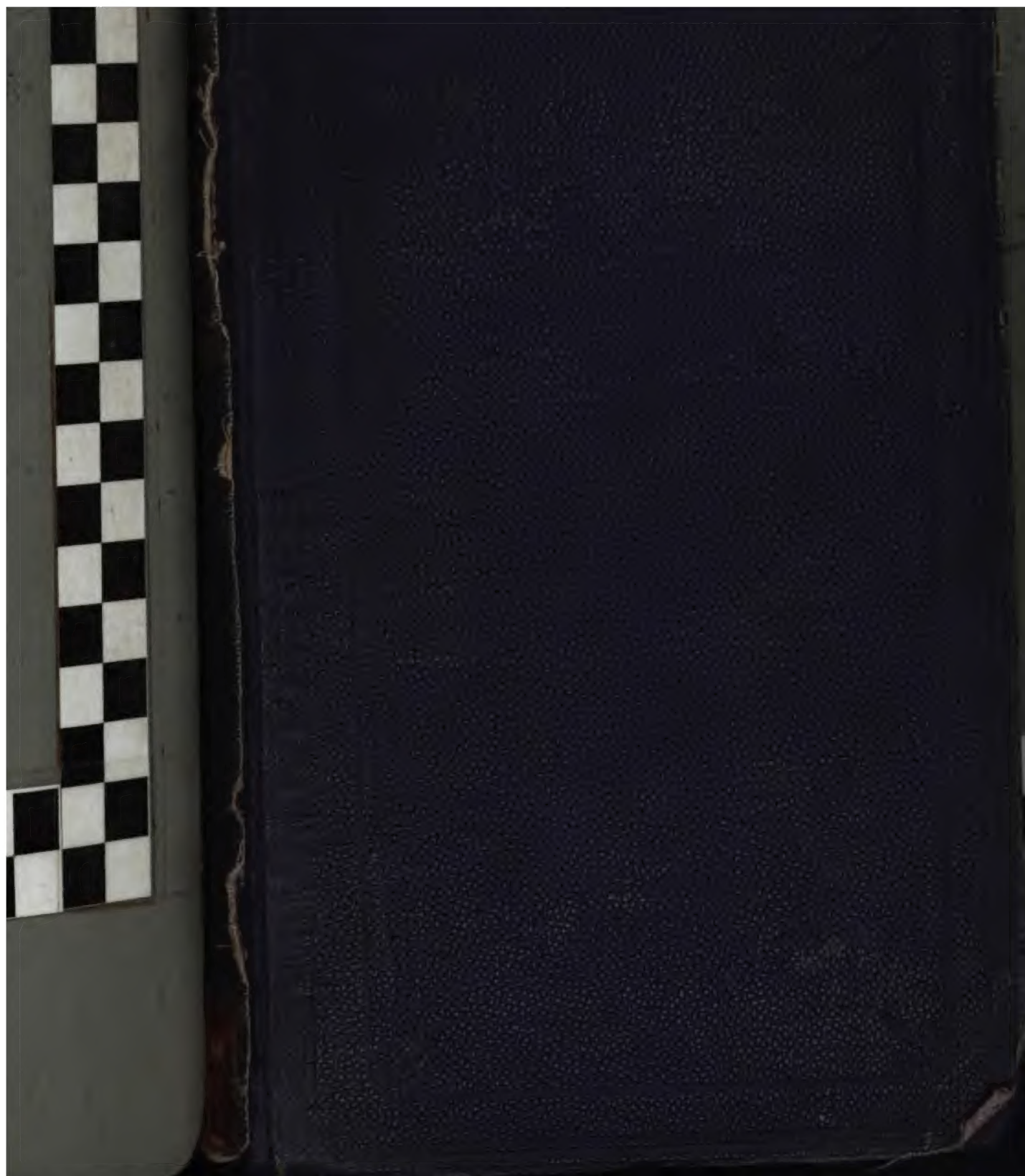
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SIR JOHN ELIOT KNT

A.D. 1628.



Engraved by W. Holl from an original Portrait at Port Eliot.

A most affectionate friend & cousin

A handwritten signature in cursive script, appearing to read 'J. Eliot'. The signature is written in dark ink and is positioned below the text 'A most affectionate friend & cousin'.

London, Longman & Co

SIR JOHN ELIOT:

A BIOGRAPHY

1590 — 1632.

BY JOHN FORSTER.

. IN TWO VOLUMES.

VOL. I.

LONDON:

LONGMAN, GREEN, LONGMAN, ROBERTS, & GREEN.

1864.

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PREFACE.



THE only excuse I can offer for the extent and bulk of the present book is, that it is not a reproduction, under altered forms, of materials already accessible in existing books, but is an entirely new contribution to the knowledge of the period I treat of, and to the means of judging correctly its actors and events.

If any one had told me when I began, now very many years ago, the study of the popular movement against the Stuart princes in the seventeenth century, that there existed in the archives of one English family the still inedited papers of the most eloquent leader of the first three parliaments of Charles the First; that among these papers, numbering between two and three hundred original letters, lay the familiar correspondence of Sir John Eliot with such men as Hampden, Selden, Bevil Grenvile, Richard Knightley, Sir Oliver Luke, Sir Robert Cotton, Edward Kyrton, Sir William Armyne,



TO ALL

WHO VALUE THE REGULATED LIBERTY ENJOYED IN ENGLAND,
WHO ATTRIBUTE ITS PRESERVATION TO A POWERFUL LEGISLATURE,
AND WHO HAVE ANY INTEREST IN KNOWING
WHAT WAS DONE AND SUFFERED TWO HUNDRED AND THIRTY YEARS AGO
TO ESTABLISH THE INDEPENDENCE OF THE HOUSE OF COMMONS,
I OFFER THIS ACCOUNT OF

SIR JOHN ELIOT.

1864.

J. F.

of Eliot and of his friend, of which no other remains were known to exist. But great *should* be the glory, he told his readers, for the strife had been hard. "The autographs of Sir John long proved too hard for my deciphering. Days, weeks, and months passed, and I was still painfully conning the redundant flourishes and the tortuous alphabet of Sir John, till the volume was often closed in the agony of baffled patience. I renewed my apologies for detaining a volume precious in the domestic archives of St. Germans. The unlimited indulgence relieved my wearisome repugnance; and zealous to obtain some insight into the feelings and the thoughts of two illustrious characters in our history, I passed through my martyrdom" (*Eliot, Hampden, and Pym*, 1832, p. 9).

From this the reader of the present volumes may probably infer that the martyrdom of their writer has been somewhat more severe, when I inform him that they include, either textually or in substance, the entire contents of that book of manuscripts of which the very imperfect mastery of less than a tenth part so severely taxed the patience and sight of an experienced historical enquirer; that, in aid of their subject, the contents of seven other volumes of equal bulk have been deciphered, sifted, and used; and, finally, that from three additional packets of detached papers, the majority in rough draft too often almost illegible, some in pencil nearly faded, and all apparently untouched since Sir John Eliot's death, some of the most important discoveries in this biography have been made.

Such are my obligations, for which it would indeed be difficult to find fitting language of acknowledgment,

to the Earl of St. Germans ; who also entrusted to me, for the purpose of being engraved, two original paintings of his ancestor at Port Eliot, one of them of surpassing interest.

The state papers, and some manuscript collections of my own, have furnished to this work the rest of its materials. From the Record Office I have been able to illustrate, by a very large number of letters till now unpublished, the early connection of Eliot with state employments ; the attempts, after his conduct in the second parliament, to deprive him of his vice-admiralty, and, by means of hired agents of the King and the Duke of Buckingham, to effect the ruin of his fortunes ; and the proceedings against him in the courts, after the dissolution of the third parliament. In all the instances where I have resorted to these invaluable documents of the period, rendered lately so accessible by the perfect arrangements of the Master of the Rolls and the admirable calendars of Mr. Bruce, every quotation has been taken from the originals.

A more careful and minute examination of the contemporary and other printed records having been rendered necessary by the new illustrations thus obtained, this biography of Eliot will probably be found to present a picture of the opening of the struggle against the government of Charles the First, in many respects more detailed and accurate than has yet been afforded. Not merely was its later interest so absorbing, and the issues involved so momentous, but its actors claimed necessarily so large a space from the historians, that they had some excuse for less carefully attending to those earlier leaders of the conflict who were its first inspiring

minds. A stronger circumstance in proof of this could hardly be named, than that no biography of Eliot existed in any form until I published a sketch of him in my *Servants of the Commonwealth* in 1834. Yet no one will ever fully understand what the rising against the *Scots* meant who is not thoroughly acquainted with its beginning; with the loyalty to the throne that then accompanied the resolve of its heroes to maintain the popular liberties; and with the reverent regard for law and precedent by which all its opening movements were so implicitly guided as to have left upon it to the very last a deep and ineffaceable impress. For these reasons it seemed especially desirable that a more exact account than elsewhere exists of what preceded and attended the enactment of the Petition of Right should be here supplied. It was necessary to the proper comprehension, as well of the new illustrations of that great third parliament afforded by the Port Eliot manuscripts, as of the memoir and notes on the parliaments preceding it in which the patriot himself plays the part of historian.

For the personal characteristics of Sir John Eliot established by the papers thus given to the world, the biography will speak sufficiently. Few public men have suffered more from evil party speaking. The indignity the king would have offered to his body after death, royalist writers persisted in fixing on his memory. But the veneration and affection of his countrymen may be given now to an unfalsified name. Few characters could have stood the test of the sudden masses of light here poured upon his; yet no blot appears, and no brightness fades. Under a pressure which even old friends and associates joined to make it painful to resist,

he kept to the close his faith and constancy ; he calmly underwent his martyrdom ; the last utterances that escaped from his prison were the expression of his belief that upon the abandonment or maintenance of the privileges of her parliaments would turn the future misery or glory of England ; and he deserved, if ever man did, that her constitutional historian should have singled him out and set him apart, as THE MOST ILLUSTRIOUS CONFESSOR IN THE CAUSE OF LIBERTY WHOM THAT TIME PRODUCED.

J. F.

PALACE GATE HOUSE, HYDE PARK GATE, W.
30th *January*, 1864.

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CORRIGENDA.

PAGE	LINE	
5	4	<i>after reflection insert &c. and omit lines 5, 6, 7 already in the text</i>
11	16	<i>for secure read season</i>
15	8 from bottom	<i>for Brookessly read Brooksbly</i>
20	4 of note	<i>after referred to add "For resolution of the doubt here expressed, see Vol. II. p. 722"</i>
40	16, 17	<i>read "the marquis, retaining the place of master of the horse, had become lord high admiral"</i>
73	13	<i>for command read committ</i>
	16	<i>Marten has appended this marginal note: "Sr John Elliott shewed Nutt y^e pardon aboute the 4, 5, or 6th of June."</i>
82-6		<i>For solution of questions raised as to Conway's share in Eliot's release, and the exact date of it, see Vol. II. p. 106, note</i>
92	17	<i>for its subsidies read "The two subsidies it had voted"</i>
116	8 from bottom	<i>for Mead read Mede</i>
119	13 from bottom	<i>for Mead read Mede</i>
124	1	<i>This doubt is solved, Vol. II. p. 106, note</i>
128	5 from bottom	<i>for afterwards the Sir Richard read "son of the Sir Richard," and add note "See p. 263"</i>
131	7 of note	<i>for 1850 read 1851</i>
149	3 of note	<i>dele 1848</i>
149	last	<i>for volume read volumes</i>
156	1	<i>for Mr. read Sir John</i>
164	14	<i>insert note, From the MSS. at Port Eliot.</i>
172	last but two	<i>insert note, From the MSS. at Port Eliot.</i>
173	2	<i>for note read remark</i>
191	last	<i>add to note, "By an entry in the Privy Council Register, it would seem that the Council replied on the 14th of February to this letter of Eliot's, by order for release of a ship called the Sea-horse stayed by embargo, 'the officers of the navy being now provided with fish.'"</i>

PAGE	LINE	
205	13	<i>for tuth read truth</i>
217	4, 12	<i>for prorogation read adjournment</i>
221	21	<i>for Chevereux read Chevereuse</i>
122	note	<i>for 227 read 272</i>
308	18	<i>after but insert on the other hand</i>
325	2 of note	<i>for lord marshal read lord chamberlain</i>
337	9	<i>for w read w^{ch}</i>
345	2	Laud was not yet archbishop. See Vol. II. p. 361
365	9	<i>for were read was</i>
381	11	<i>dele asterisk and insert it after late, line 23</i>
392	8	<i>for them read it</i>
400	5 from bottom	<i>for as Eliot as read "as Eliot has"</i>
402	8 from bottom	The Maynard named was not "Serjeant," but Sir John Maynard. See Vol. II. p. 268
415	14 of note,	<i>for iustlie read iustlie.</i> The allusion to Clarke here quoted shows, that, as originally prepared, the speech was to have been spoken on the day after the fall of that friend of the duke: but that, as actually spoken, it was not delivered till several days after, is clear from its references to the previous speeches in Christ-Church hall.
442	13	<i>dele thus</i>
456	17	I ought, perhaps, to have explained that Havre was then called Newhaven.
473	21	<i>for services read service</i>
478	24	To explain May's return, as stated, "again for Leicefter," it should have been said that, though he had sat in the two previous parliaments for Lancaster, he had been returned also to both for Leicefter. The present was a single return.
478		Add to note as to Doctor Turner:—Warwick in his <i>Memoires</i> (16) describes him as "an inconsiderate as "well as inconsiderable court-dependent, and one fami- "liar with, and usually divertizing, the court-lords."
484	7	<i>for own filled their read filled their own.</i>

THE LIFE
OF
SIR JOHN ELIOT.




BOOK FIRST.

MR. ELIOT OF PORT ELIOT: MEMBER FOR ST. GERMANS.

1590-1619. ÆT. 1-29.

- I. Ancestry and Youthful Days.*
- II. Early Tastes, University, and Travel.*
- III. Marriage and Parliament.*
- IV. Events in London, 1614 to 1619.*

I. ANCESTRY AND YOUTHFUL DAYS.

 OHN ELIOT was "a Cornishman born, and
"an esquire's son."* His family, though
new residents in that county, were of old
Devonshire descent. Prince alludes to
them in his "Worthies;" and Fuller has identified as
one of his ancestors, the Walter Eliot named in the
sheriff's return of the gentry of the county of Devon
in 1433, during the reign of Henry VI. Browne Willis,
who married a lineal descendant (the great granddaughter)
of the patriot, states that this Walter Eliot allied himself

* Anthony Wood, *Ath. Oxon.* ii. 478, ed. Blifs.

to the family of Sir Richard Eliot, appointed a justice of the king's bench by Henry VIII, but more worthy of notice as the father of Sir Thomas Eliot, one of the earliest of our vernacular writers.* The first of the Eliots who settled in Cornwall appears to have been the great-uncle of Sir John, who obtained from the family of Champernowne the priory of St. Germans and its lands, in exchange for property at Cutlands, near Ashburton.† To this estate was then given the name of Port Eliot, which it bears to this day. Its possessions have descended with the name, and form a considerable portion of the property of the lineal descendant and present representative of the Eliots, the Earl of St. Germans.‡

The old priory would seem to have been a rough wild scene, when the family seat sprang up amid its deserted courts and gardens, and took, from the river on which it stood near the ancient town of St. Germans, the name of *Port* Eliot. The small straggling place, little more in those days than a poor village of fishermen, built irregularly on an uneven rock, and deriving its scanty trade from the Tamar river, emptying itself into Plymouth, must have seen with some surprise the grand new house take the place of the old dwelling of the

* Browne Willis's *Notitia Parliamentaria*, ii. 142, ed. 1716.

† "I do not know," says the accomplished living descendant of the patriot (writing when he was yet Lord Eliot), "the exact year in which this change took place; but John Eliot died at the priory of St. Germans, having given it the name of Port Eliot, in 1565. An account of that transaction is to be found in Carew's *Survey of Cornwall*, published about 1580. Chalmers, in his *Biographical Dictionary*, speaks of the family of Eliot of Port Eliot, and those of Heathfield and Minto, as descended from a Sir W. Aliot, who came over with William the Conqueror; but this account is merely traditional, and cannot be borne out by proof. The heralds' visitation of Cornwall, made in 1602, and preserved in the heralds' college, gives the armorial bearings of the family; the shield containing twelve quarterings; a proof, at a time when pretensions to heraldic honours were minutely scrutinised, that the origin of the family could not have been very recent."

‡ In *Notitia Parliamentaria* (at the notice of the borough of St. Germans, 140-153 of the second volume), a description will be found of Port Eliot. See also Carew's *Survey of Cornwall*, ed. 1811, pp. 257-61.

monks, almost fronting Lynher creek, from whose overflows a pier, strongly built against the banks of that river, protected the mansion.

At Port Eliot, surrounded by much that would encourage a taste for rough adventure, and hopes connected with the sea, John Eliot was born, on the 20th of April 1590.* His youth had few of the restraints that should have been applied to a temper impetuous and ardent. His father was a man of easy habits, kept hospitable house with no very nice regard to selectness in his visitors, and exerted small control at any time over the proceedings of his son. To this is to be attributed an incident of which ungenerous advantage has been taken by Eliot's political enemies.

Archdeacon Echard, a writer known to be prejudiced and inaccurate, gave the first public account of it. After stating (most unwarrantably as we have seen), that Eliot was of a "new family," the archdeacon proceeds: "Within his own parish there lived one "Mr. John Moyle, a gentleman of very good note and "character in his country, who, together with his son, "had the honour to serve in parliament. Whether out "of rivalry or otherwise, Mr. Eliot, having, upon "a very slight occasion, entertained a bitter grudge "against the other, went to his house under the show "of a friendly visit, and there treacherously stabbed him, "while he was turning on one side to take a glass of wine "to drink to him." He states further: "Mr. Moyle "outlived this base attempt about forty years, who, with "some others of his family, often told the particulars "to his grandson, Dr. Prideaux, and other relations, from "whom I had this particular account."† Whether the

* Browne Willis. Anthony Wood fixes it incorrectly at 1592.

† Echard's *History*, 424 folio, ed. 1720. Is *this* the "contemporary writer" to whom Mr. D'Israeli alludes in iv. 508 of his *Commentaries*? I can find no other. How eagerly such a charge would have been seized by the opponents of Eliot among his contemporaries, had a reasonable foun-

account was received from gossiping relations, or the respectable dean, is here left doubtful; but a writer with strong royalist leanings has fathered it on the dean, and has insisted, with very obstinate vehemence, on the probable truth of the statement.* How successfully, will be seen.

So far as there is truth in the incident, it occurred in Eliot's extreme youth. That he should at that time have exposed himself to the charge of being "wilful," was a natural consequence of his father's indulgences; and Mr. Moyle, who lived at Bake,† a district of St. Germans parish close to Port Eliot, took upon himself to warn the elder Eliot that such was the character and disposition of his son. The course of the quarrel that ensued, as described by Mr. Moyle's daughter, a witness not likely to be partial to Eliot, is given in a letter written by a descendant of one of the old Cornish families.‡ Her statement is to the effect that Mr. Moyle,

dation existed for it, is obvious. It might have served as the title of an apology for the malignant opposition to him by royalists of the west, or for his harsh treatment by the king. Nowhere, however, in parliament or elsewhere, not even in the letters to be hereafter duly commemorated, of Sir James Bagg, does a trace of it appear.

* Mr. D'Issraeli. See his *Commentaries*, ii. 270; iv. 513; and his pamphlet in answer to Lord Nugent, p. 5.

† *Notitia Parliamentaria*, ii. 147. Browne Willis, the intimate friend of the Moyles, makes no allusion to this incident as remembered harshly by that family; he corroborates, indeed, in all respects the account of Mr. Tonkin shortly to be quoted; and both are explained by the testimony, in the text, of the daughter of the pretended "victim."

‡ This letter has been referred to by Miss Aikin, the historical writer, as if it were in her possession; but it had already been quoted, at length, in the edition of *Carew's Survey* published by Lord de Dunstanville in 1811 (p. 261), and it was unpardonable in writers, to whom this published evidence was so easily accessible, to repeat and exaggerate the gross accusation which at once it explains and repels. The letter was written in 1767, and is subscribed by Mr. Trehawke, a gentleman of old Cornish family. "The fact," he wrote, "as related to me by Mr. Moyle's own daughter, stood thus. Sir John Eliot, when young, had been extravagant in his expenses, so that Mr. Moyle thought it friendly to acquaint his father with his son's conduct; and this being represented to the young gentleman with some exaggerating circumstances, he hastily went to Mr. Moyle's house (two miles from his own). What words passed I know not, but Sir John drew his

having acquainted Mr. Eliot with some extravagances in his son's expenses, and this being reported with aggravating circumstances, young Eliot went hastily to Moyle's house and remonstrated. What words passed, and whether any further provocation, is unknown; but Eliot drew his sword, and wounded Mr. Moyle in the side. "On reflection," continues this lady, "he soon detested the fact; and from thenceforward became as remarkable for his private deportment, in every view of it, as his public conduct. Mr. Moyle was so entirely reconciled to him, that no person, in his time, held him in higher esteem."

That the incident occurred before Eliot's manhood, one or two dates will show. I find, from documents of the time, that his father died in 1609,* and was buried in the church of St. Germans on the 24th of June in that year. Anthony Wood, an authority on such a point (though hardly on others), tells us that young Eliot entered college in 1607, and continued there three years.† At the time of the quarrel with Moyle, therefore, he could not have been more than seventeen; or, even assuming that it occurred in a college vacation of his first year, eighteen years old. A curious document of which a copy has been found among the papers at Port Eliot, and the original of which was known in the last century to all who still visited at the old mansion of the Moyles at Bake,‡ "An Apologie" addressed to Moyle

"sword and made a thrust at Mr. Moyle; but it being against his ribs, the hurt was slight. However that being more than Sir John knew, and there being no time for talking after what was done, Sir John fled. On reflection he soon detested the fact, and from thenceforward became as remarkable for his private deportment in every view of it as his public conduct. Mr. Moyle was so entirely reconciled to him that no person of his time held him in higher esteem."

* Willis exhumes this and other facts concerning the pedigree of the Eliots from the parish registers of St. Germans. *Not. Parl.* ii. 144.

† *Ath. Oxon.* ii. 478.

‡ Lord de Dunstanville's edition of *Carew's Survey of Cornwall* (published in 1811) contains this note by Mr. Tonkin, appended to the men-

by young Eliot for the "greate injurie" he had done him, and witnessed by names distinguished afterwards in parliament and history, among them William Coryton and the chivalrous Bevil Grenville, offers further proof in the same direction. Its language is that of a young and generous spirit, anxious to repair unpremeditated wrong, and eager with atonement. "Mr. Moyle," it runs, "I doe acknowledge I have done you a "greate injury, which I wish I had never done, and "doe desire you to remit it; and I desire that all "unkindnesse may be forgiven and forgotten betwixt "us, and henceforward I shall desire and deserve your "love in all friendly offices, as I hope you will mine."

That this apology was honestly redeemed, and that the writer not only desired but obtained the love of the man whom hastily he had injured, we are also fortunately not without proof. Among the papers at Port Eliot already referred to, exist two letters written during Eliot's last imprisonment to Mr. Moyle, granting him solicited favours. It is an old and shrewd experience that few men are capable of making compensation to those they have injured, or even of ceasing to follow them with resentment.

Forgiveness to the injured doth belong:
They never pardon who have done the wrong.*

tion of Eliot: "Mr. Echard in his *History of England* has left a severe "reflection on this knight's character for stabbing Mr. Moyle, of Bake, "which I wish I could clear him of; but *the matter of fact* is too true, and "I have myself seen his submission to Mr. Moyle under his own hand attested by some of the principal gentlemen of the county, and the original "is now to be seen at Bake, in the present Mr. Moyle's custody. All that "can be said in his excuse is *that Mr. Moyle had highly injured him; and "the late Walter Moyle Esq. would often say that his ancestor did in some "measure deserve it*, for his ill representations of him (Sir John) to his "father; and there has ever since been a good understanding and friendship "between the families." From which it would seem that the "matter of "fact," of which Mr. Tonkin appears so anxious to clear Eliot, had never, to those really acquainted with the facts, assumed anything of the character which the malignity of political partisanship, in later days, has vainly sought to fasten upon it.

* Dryden (*Conq. of Granada*). Mr. D'Israeli has said, in his fourth volume,

But Eliot's was one of these rare exceptional natures. He seems ever to have held himself the willing debtor of the man he had so unwillingly offended. "I am forrie," he says in one of his letters,* after granting Moyle what he had asked, "this returne is not better to the occasion you have given me. It may serve for an expresseion of my power, though my affection be beyond it. I cannot command corruption out of noe man, but in myne own hart have a cleere will to serve you, and shall faithfullie remaine your true friend." In the other, written some months after,† in answer to an intercession by Moyle for an offending tenant of Sir John's, the following passage occurs: "In answeare to your love, I will geve order to my servante Hill, at his returne into the countrie, to repaie him the money that's receav'd; and soe to leave him to his old interest for the tenemente. In which he must acknowledge your curtesie and favor, for whose satisfaction it is done by your most affectionate freind."

Let me remark further, that this incident of Eliot's opening manhood is in no respect to be judged by the

p. 513 (in reference to the "apologie"), "I perfectly agree that this extraordinary apology was not written by a man who had stabbed his companion in the back; nor can I imagine, that after such a revolting incident, any approximation at a renewal of intercourse would have been possible." He then proceeds, with amusing pertinacity, to shift the grounds of the charge. His argument, however, on his own admission, is exploded by the letters to Mr. Moyle cited in my text. No perversity, however foolish or reckless, can again revive it. I cannot leave the subject of this first of the calumnies reiterated by Mr. D'Israeli, without expressing my regret that political prejudice and preconceived notions of character, more marked because of the whimsical professions of philosophical impartiality that accompany them, should so bewilder an ingenious mind. Mr. D'Israeli, though in all cases too fond of suggesting events from rumours, and given up to romantic, fanciful, super-subtle theorizing, which he supports by quotations and authorities too often the reverse of accurate, is an attractive writer, and has rendered services to history; and, notwithstanding his various misstatements respecting Eliot, has never scrupled to pay willing tribute to the greatness of his intellect.

* 22nd April 1630. MSS. at Port Eliot.

† 7th December 1630. MSS. at Port Eliot.

It would indeed be difficult to overstate the advantages derived by this remarkable man, through life, from having made these studies familiar to his youth. They will appear in every part of his story. Not unknown are other examples, in this great age, of the union in a high degree of readiness of action with remoteness of study and contemplation; but, in its application and use through the commonest occurrences as well as gravest events of his career, the peculiarity presented itself in Eliot under conditions of singular interest. In whatever circumstances placed, books had become to him a world so real, that he could draw out of it experiences fitted to all his needs and occasions; for it was peopled with thoughts and emotions to which the habit of continual resort had given more than the attributes of counsellors and friends. Nothing of the past was dead to him. The life that burnt into the page of Tacitus, was the same that still heated and stirred the world about him; and the parliament chamber in which he sat at Westminster, was not to him more filled with eager animation and conflict, than were its old parliamentary parchment rolls, the silent depositaries of English liberty, from which four centuries of the past unceasingly appealed to him.

To the habits and commencements of this early time must also be ascribed the fervency and simplicity of his religious belief. He was not a Puritan; but his sympathies went strongly with all that advocacy of the pure in faith and worship to which the term was applied. Profoundly versed as he was in the ancient ethics and philosophy, and an ardent upholder of their truth and excellence, he had found in the Christian system higher developments, and a more divine satisfaction. Less prone than many of his contemporaries, in commonplace and ordinary straits, to resort to the sacred writings, he yet drew from them, ever, his practical guidance not less than his highest wisdom. To him the Bible was, in truth

and fact, the book of life; from which he derived all that he believed to be essential to religion, and by which he measured all he held most to be honoured in public as in private concerns. In the first speech he delivered after the accession of Charles the First, as in his last letter to Hampden from the prison to which Charles consigned him, *this* is the compass by which he steers his course, to the haven in which he finds his rest. "Religion only it is," he told the assembled commons, "that fortifies all policy, that crowns all wisdom. Not alone is it the grace of excellence, and the glory of power, but it is the strength of government. For, though policy may secure a kingdom against foreigners (and so, I pray God, this kingdom may always stand secure!) and wisdom provide every necessary for the rule at home, yet if religion secure not the affections of the people, the danger is as much in our own Achitophels, as from Moab and all the armies of Philistines."* "O, the infinite mercy of our Master, dear friend," he wrote to Hampden, when life was closing upon him in his dreary cell, "by whom we are, and from whom we have all things, the strengthening of the weak, the enriching of the poor, the liberty of the captive, the health of the diseased, the life of those that die!"† Nor for that

* MS. at Port Eliot of speech delivered in parliament, June 1625.

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endeavours in our course. He prayed him to reflect upon others, and that no man should be a centre to himself. He besought his friend to think what interest in him his country might pretend to; what right over him his friends might claim; and above all that his Master, who had made him steward of himself, expected in all these the employment of that talent to His glory, and that such care should be entertained about his person as to preserve it for services to come. To dwell wholly in speculation, was to be useful only for himself; but for others, and the time to come, it behoved him to dispose himself to action. For others, he was to hunt; for others, to hawk; for others, to take the benefit of the fields. "Do it for me," continued Eliot, "that cannot do it of myself; and in your profit and advantage my satisfaction shall be rendered. I know I need not counsel you, who have Abraham and the Prophets; but yet, one coming from the dead, who by privation knows the benefit of exercise, which God appoints for the recreation of man, may have some credit more than ordinary to make some light impressions upon the mind."* Very affecting is that reference to the living death which then had been inflicted upon the writer. When all the healthy and vigorous habits that had been the stay and sustenance of Eliot's own life had been struck from under him, he knew that he was doomed. To what extent those habits had been his practice, and from this earliest time, we need no better evidence. His latest enjoyment in the Tower, of which he was deprived by closer custody in the last year of his imprisonment, was the game at bowls that he had first played in his boyhood on the green at Port Eliot.†

Between the university and travel, to all well-bred

* Eliot to Richard Knightley (10th June, 1630): MSS. at Port Eliot.

† Eliot to Richard Knightley (11th August, 1631): MSS. at Port Eliot.
"Your letter found me yesterday so hard at bowles as I had not then time
"to answer it," &c.

youths in the seventeenth century, another study was ordinarily interposed. Some acquaintance with the common law of England, then, was generally required for an English gentleman's education. It was thought essential that men of birth and station in their respective counties, to whom it fell to discharge the duties of justices of peace, should know something practically of the law they were called to administer, affecting largely the populations of their neighbourhood. Very especially also was it held to be a necessary accomplishment for one who would enter parliament, and had less ambition to follow the court than to side with the country party. Eliot, as Wood informs us, after leaving the University, "went to one of the Inns of Court, and became a "barrister." Not of course to practise: though we shall find that his knowledge of the law, and its uses and terms, was of the greatest value to him; that his friends in and out of parliament frequently referred to his authority;* and that he not seldom employed his knowledge of the principles of law to condemn the practice of professional lawyers.† When next we get sight of him, he is travelling on the Continent, as had become also very generally then the custom of young men of family and fortune.

At precisely the same period, the discerning Lady Villiers had sent her famous son, two years younger than Eliot, to grace the beauty of his face and person (his only birthright)‡ by the advantages of foreign travel. Eliot

* Bevil Grenville to Eliot (17th September, 1631). MSS. at Port Eliot.

† This will appear in his speech, to be hereafter quoted, in the last parliament of James as to a case of disinherison (MS).

‡ Buckingham was a younger son, by a second marriage, of Sir George Villiers, of Brookesley, in Leicestershire, whose family, though ancient, had been in no respect distinguished. His mother is reported to have served as kitchen-maid in the house of his father, who, struck with her extraordinary beauty of person, prevailed with his wife, then living, not without difficulty, to raise her to a higher place; and on the death of that lady married her. As, however, the heir by the former marriage succeeded to the family estate, it became a grand object with Lady Villiers, as soon as she obtained the means

and Villiers met,* and journeyed together to several places; nor will it seem surprising that Eliot's warm and generous disposition should have suited well with the bold address and sprightliness of temper for which only, at that time, George Villiers was remarkable. It is said they became intimate, and it is probable that for some time they were so; though in after years a widely different destiny struck them finally apart.

Of the impressions left on Eliot's mind by this travel of his youth, some lively traces appeared afterwards in his letters to his children. He urged upon them the necessity of well selecting their associates. Good company, he knew, was a choice thing ever; and as it always brought pleasure, so most especially in travel it brought advantages.† As he wrote this, he might be remembering, through all the darker interval which followed, those fair bright days, and the pleasant gaieties and cheerful fancies, that, from such a presence as that of George Villiers in his youth, must have radiated to all within its sphere.

France had greatly interested Eliot. He had there seen the still conflicting elements of a great and healthful struggle, and though the prospects of the cause most dear to him were at this time gloomy enough, the light of promise yet shone in the distance. It was a country full of noble instincts and versatile energy; and what his own experience had been, he recommended his sons to profit by. Some friend had warned them of possible dangers in France.

through a third husband, Sir Thomas Compton, whom she afterwards deserted, to accomplish her children for pushing their own fortunes in the world. She lived to see her own entire success in this, and to discover how little it was worth.

* Echard's *History*, 424. Mr. D'Israeli claims the merit of having discovered this (iv. 507; *Pamphlet*, p. 3), a claim on which his friends also insist (*Quarterly Review*, xciv. 470); on what authority does not appear. Echard was the first discoverer, if there be any merit in it; nor would his statement have carried any weight, but that other circumstances have confirmed it.

† To his son John, 1st September, 1631. MSS. at Port Eliot.

Heed him not, said Eliot; it is strange that such warning should come from a man of "hope and spirit." Any hazard or adventure, in France, they would find repaid by such advantages of knowledge and experience as observation of the existing troubles there was sure to convey. But he would not allow them even to enter Spain; and the Italian territories of the church they were to avoid as dangerous. Stagnant and dead were the waters in the region of Rome, not clear and flowing for the health-seeking energies of man.

His dislike of Italy, however, was limited to the territories of the church. By all means he held it desirable for youth to see the rest of Italy. But let them avoid the damps of autumn in that rich land. From the abundance of fruits that prevailed everywhere, and the strife of heat and moisture affecting the climate, the airs of autumn were dangerous until frosts had corrected them; and a visit should be timed in spring. Great were the advantages in other respects, also, of wintering in France before passing over to Italy. To attempt to acquire the Italian language, before some knowledge of French had been mastered, was not discreet. Besides its being less pleasant and more difficult to talk Italian first, it was leaving the more necessary acquirement to be gained when perchance there was less leisure for it. Whereas, by obtaining some perfection in the French and then moving onward, what might be lost in Italy of the first accomplishment would be regained, in France, as their steps turned homeward.*

But still more characteristic of Eliot is that which he describes to his sons as the unvarying experience of his own life, in travel and enjoyment as in labour and every manly exercise, and which, irrespective of climates or countries, every man may ensure to himself. Why

* These various allusions are from the letter of 1st September 1631, to his eldest son.

is it, he says, that what to one seems barren and unpleasant, to another is made fruitful and delightful, but that all things in this life receive their effect and operation from industry and the habit of the soul. ("Nothing is," says the great master, "but thinking makes it so.") Some natures there were which turned all sweetness into venom, forgetful of the lesson of the bee that extracts honey from the bitterest herb. With exquisite good sense Eliot tells his sons, therefore, that they would do well, ever, to make the best use of all things; when they should find a sign or indication of some error, to accept it as an instruction to avoid the like; and if there appeared but the resemblance of some excellence, to suppose it better and make it a precedent for themselves.* Imitation, he strikingly designates as "the moral mistress of our life;" and as they must imitate, they should be ever on the watch for what is worthy, and for that alone.† An error might easily be retracted, but habits not so. Let them not suffer any ill in them to proceed to a habit; and above all things, let them propound goodness, not pleasure, for their object.‡ So might they truly achieve honour. Arduous and rough seemed the paths of virtue, but they were excellent, yea pleasant, to those that once had passed them; for they brought honour itself as their concomitant, to entertain them on that journey. It became truly their servant; and what all others pursue and wait upon so eagerly, and offer all that they possess to obtain, they who travel in those paths already have, in the form wherein alone it is desirable or to be desired, to wait upon *them*, and to do them service.§

Standing upon the threshold of the life we are about to retrace, let us not doubt that the thoughts which so attended its close reflected its opening experience; and

* To his sons, 8th (or 3rd) July 1629. MSS. at Port Eliot.

† To his son John: 1st August 1631. MSS. at Port Eliot.

‡ To his son Richard: 5th April 1630. MSS. at Port Eliot.

§ To his son Richard: 7th November 1630. MSS. at Port Eliot.

that, whatever may have been its errors of passion or temper, they were never ungenerous or ignoble.

III. MARRIAGE; AND PARLIAMENT.

After his return to England in 1611, Eliot married; and even this correct and inoffensive proceeding has been made the pretext for slander to his memory. It has been put forth as another instance of the turbulence and "ungovernable passion" of this "bold and adventurous character." Without quoting any authority, Mr. D'Iraeli states, that "when the house of commons voted 5000*l.* for a compensation to the family for his [Eliot's] 'sufferings,' they also voted another 2000*l.*, part of four, for which he had been fined by the court of wards, by reason of his marriage with Sir Daniel Norton's daughter." He then proceeds to inform us that this indicates the violent carrying off of the lady by the turbulent Eliot. What possible authority can be brought forward for this statement, I know not. The only record in existence bearing on such a subject, known to me, is an entry in the Earl of Leicester's journal, of unquestioned authenticity; and I cannot suppose that this was the source from which Mr. D'Iraeli derived his statement. It is as follows: "Monday, 18th January, 1646. The house of commons this day, according to former order, took into consideration the great losses and sufferings of many members, in the yeare tertio Caroli, for speaking (in parliament) in behalf of the kingdom. A report whereof was made to the house, from the committee to whom it was formerly referred; and the commons, upon debate, passed several votes for allowances to be given to such members, in recompense of theyr wrongs and sufferings, as followeth:" several names are then specified, and among them, "that 5000*l.* be allowed to Sir John Eliotte's

“younger children; and *his elder son's* fine in the Court “of Wards to be remitted.”*

Against this “elder son's” turbulence the reproof of the commentator ought to have been directed. He was probably that second son, Richard, whose irregular habits, notwithstanding his possession of a fine and manly nature, proved the source, as we shall see, of much anxiety and disquiet to his father. He was a very likely person for the adventure maliciously fixed upon Eliot. Sir John himself, without violating the laws of any court, had married in the winter of 1611, Rhadagund, the only daughter of a Cornish squire of considerable fortune, Richard Gedie of Trebursey, who served as high sheriff of his county in the last year of James. Of his wife, whose memory he cherished with tenderness, Eliot was unhappily deprived by death in 1628, before the first recess of the memorable parliament of that year; after she had presented him with several children. John (born in October 1612), Richard, Edward, Bess, and Nicholas † will hereafter have mention; and all these, with some younger and infant children, taken to Trebursey upon their mother's death and their father's imprisonment, were in the following year, when Mr. Gedie himself died and Eliot's prison doors were more closely shut, left doubly fatherless as well as motherless. Then utterly dependent on the care of friends, happily friends were found not wanting.

Eliot had scarcely married when the house of commons opened its doors to him. No historian has heretofore supposed that he sat in an earlier parlia-

* *Sidney Papers*, 2, 3. This early portion of the journal is remarkable for its accuracy and precision. Since what follows in my text was written, I have seen reason to doubt whether John may not have been the “elder son” referred to. See Hutchins's *Dorset*, ii. 144.

† From this fourth son, Nicholas, the present St. Germans family are descended. Upon the failure of male issue to Daniel Eliot (the patriot's grandson, whose only daughter Browne Willis married), the estates were bequeathed to Edward, grandson to the patriot's fourth son Nicholas.

ment than that of 1623, but I have discovered that he was undoubtedly a member of the commons' house upon the assembling of James's second parliament in 1614. The fact is placed beyond question by the references he made himself, in the parliament of 1623, to the two that had immediately preceded it; in the earlier of which he stated that he had himself taken part, whereas of the later he knew only by the report of others.*

Eliot, then, was in his 24th year when he took his seat (as member for the borough of St. Germans) in the council of the nation. It would not have been called together at that time but for Sir Henry Nevile's plan of managing the elections by supremely skilful people, who were to "undertake" for a court majority. Nevertheless the court majority did not present itself; which Mr. Attorney (Sir Francis Bacon) accounted for by the absence of the supreme skill promised, by the hot opposition the attempt aroused, and by the so great suing, standing, and striving about elections and places it led to, that the wisest and ablest persons shrank from such conflict, and three parts of the elected "were such as had never been of any former parliament, and many of them young men, and not of any great estate or qualities." The remark is to be taken with allowance for Mr. Attorney's general dissatisfaction at the result, but no doubt substantially it expressed the truth.

Among the men young like himself, however, whom Eliot then first saw on the benches around him, were some that, like himself, were now beginning the career that has identified their names with our English story. Slightly his elder, Robert Philips, son of Sir Edward of Montacute, master of the rolls, there took his seat for the first time, and began his illustrious but too brief

* The speech to which I refer, not hitherto printed, is among the MSS. in Eliot's handwriting at Port Eliot; and will shortly be quoted. It was spoken at the opening of James's last parliament, which met in February 1623-4.

career.* Another Somersetshire gentleman of graver aspect, now in his twenty-ninth year, a client and councillor of the Bedford family, commenced there the experience which was to carry the name of Pym over the world as almost a synonym for the parliament of England. Sir Dudley Digges there tried his earliest flights of eloquence, less earnest than ornate, yet moving and influencing many. Oliver Luke, a youth of old Bedfordshire family, some of whose ancestors had resisted on the bench the tyranny of the earlier Tudors, and who had married into the stock of the Northamptonshire Knightleys, began there the friendship with Eliot which ceased only with life; and with which another more illustrious name became soon connected, for family alliances had associated with the Lukes young Mr. Hampden of Hampden, now in his twentieth year studying law at the Inner-temple, and not to take his seat among the commons till the next following parliament. And finally here, among the legislators, raw and inexperienced; who had sat in no former convention, Eliot's glance first fell upon a tall young man from Yorkshire, Thomas Wentworth, whom men noted even thus early (a contemporary tells us) for his stoop in the neck, for the cloudy shadow on his face except when lighted up by anything that moved him, and for the fierce far-reaching look of his eye.

But beside these youths were men of elder and larger experience, who sufficed in themselves to give no common character or fame to the proceedings of this short-lived parliament. In it Sir Francis Bacon closed his career as

* The parliament began in March, and was dissolved in June. In the following September Sir Edward Philips died, it was supposed from grief at the king's anger with his son Robert, for the speeches he had made on the popular side. "He was my verie good frend," says Sir James Whitelocke (in his *Liber Famelicus*, p. 43). "It is thought that grief he toke in the king's displeasure toward him, for his son's roughnesse in the parliament, hastned his death. But I cannot think a man can be sutch a mope."

a representative of the people. Sir Edwin Sandys, the second son of Elizabeth's archbishop of York, now in his fifty-third year, a ripe and mature scholar who had written learnedly against popery, played a distinguished part in it. Sir Edward Giles, a knight of large estate, Cornishman and neighbour of Eliot's, and his fast friend in many subsequent trials, was one of its leaders of opposition : and he had worthy colleagues in Sir James Perrot, the son of Elizabeth's famous lord-deputy ; in Sir Robert Cotton, under whose hospitable roof, where priceless stores of learning were gathered, Eliot passed many of his happiest later days ; and in Sir John Savile of Howley, a knight of the West Riding who had served the court in the old queen's time, but now in his fifty-third year was out of favour with the king, and had carried Yorkshire, despite the Wentworths, in the extreme popular interest. Those experienced and liberal lawyers, Crewe, Hakewell, Hoskins, Thomas Wentworth of Oxford, Nicholas Hyde, and Sir James Whitelocke, also gave in it their services to the popular side.* Sir James was the father of Bulstrode ; and had distinguished himself, some years before, by disputing the judgment in Bates's case, in the court of exchequer, on Impositions.

The subject was revived in this parliament, and, with the business of Undertaking, and disputed returns rising out of it, formed the sole business transacted by the house, which had not the good fortune to pass even one bill. It played the part which seems to have been appointed to it, nevertheless. It served, at a critical time, to break up the old reserves and influences ; and to force a free way, for subsequent and more powerful assemblies, to bolder manifestations of opinion. It is now we

* "I was returned," he says (in his *Liber Famelicus*, p. 40), "a burgess for the towne of Woodstock, in the countie of Oxon, whear I was recorder, and was elected notwithstanding the town weare hardly pressed for another by the Erl of Mountgomerye, steward of the manors and keeper of the house and parke thear."

have the first evidence of vehement excitements, of loud and noisy cheering bandied from side to side, within the house itself. Mr. Attorney, quaintly referring to his own narrow escape* from being turned off to the lords' chamber, had wished himself, because of the frequent discord, not only in the upper house but in the Upper World. Mr. Chamberlain wrote to Sir Dudley Carleton of the cheering and interrupting, that "many sat there who were more fit to have been among roaring boys than in that assembly." One honourable member was called to order for comparing the house to a cock-pit. The house itself was reprehended by Mr. Speaker for "hissing" a vehement supporter of his majesty's prerogative. But, amid all these unseemly manifestations, it was the right abuse that was selected for attack; and the popular arguments were left unanswered by the ablest of the privy councillors. Sandys carried a resolution against the king's asserted right to levy impositions; and Bacon, not to dispute the abstract justice of such proposals, but to abate and deprecate the eagerness that would have carried them to instant issues, was fain to remind the opposition that they lived not in Plato his Commonwealth, but in times wherein abuses had got the upper hand. That great man never called the wrong

* One of the first questions raised had been upon Bacon's right as attorney to sit at all. If a man already representing any place assumed that office, it was argued, he might continue to serve in the lower house; but that, being appointed attorney, he could not afterwards offer himself to represent a constituency. His place in parliament would then have become simply, as expressed in his writ of office, to advise the house of lords; and to appear by the woolfack was the due return of his writ. A committee of precedents considered the matter; and though, strange to say, no direct instance of a king's attorney returned by a constituency and sitting in the lower house could be found, it was clear that the king's solicitor and serjeant had done so, and the analogy was sufficiently close in fairness to have settled the question. But the house would not give way. They made exception for Sir Francis Bacon (to show that their objection was not to him personally), but never was attorney-general in future to sit in the lower house. Such was the jealousy of the influence of the crown, and the resolve that as few as possible "wearing the livery" of the king should sit among them, prevailing in this "addle" parliament.

right, or made elaborate attempts at justification, even while he practised or fell in with it. He did his best, ever, to amend it; but unhappily was not in the least reluctant to give way and make the best of it, when the other effort was unavailing.

With the rest of the privy councillors he acted, therefore in forcing a premature dissolution. Eliot regretted the course so taken; and it is a proof of the shrewdness and clear-sightedness he had brought thus early to the observation of public affairs, that he detected not alone the mischief of such haste and precipitation in dealing with parliaments, and the falsehood of the pretences used in excuse, but the too great readiness of the popular leaders to encourage needless jealousies. Nearly nine years later, in his first important speech in the house of commons, he thus alluded to "the former of the two last unfortunate assemblies" in which he had taken part.

"As I remember, there was an aspersions of 'undertaking' cast upon the service of some members of that house; from whence there grew a jealousy, in the rest, that the whole business was compounded by those principals who had before-hand given the king assurance of what he desired. This jealousy being entered into, a part like a cancerous ulcer spread with the sharpness of its own corrupt humour, and by infection went so far that it diseased the body. The body being once sick and ill affected, could not presently find a remedy, or remove the cause; but, by continuance of the grief, had the symptoms more dangerous than the disease. For, from the root of that jealousy, sprang up opposition and contestation in debates. Opposition branched itself to faction; faction (or rather fraction I might call it) often budded and put forth personal quarrels, not only to the public prejudice, but detracting from the honour and gravity of this so great and grave a senate. And all this moved by the air and

“breath of that unknown and vain report of ‘undertakers.’ Whereas I verily believe there was no such thing in the king’s heart, as by secret practice with a few to undermine the rest; nor could those few, for themselves, have assumed so much power above others to ‘undertake’ for all. I hold that our jealousy in this case was the advantage of the ill affected, who made it the instrument of their designs to dissolve that meeting, that they might follow their own projects and inventions then on foot; which (as we have since felt) trenched more upon the privileges and liberties of this kingdom, than the uttermost ‘undertakings’ in parliament can ever do!”*

Judging of all the circumstances now, it is impossible not to see that Eliot’s view is the right one. To keep up the agitation against the undertakers was, as it turned out, to play into the hands of the court. Eliot had far-sightedness enough to see, as well in the conception of such a notable scheme as the interfering in elections, as in the supposed necessity that suggested it, no bad compliment to the influence of the commons; and he would have accepted its failure, manifest in the very excitement and indignation provoked by it, as an addition to their strength. But these advantages were lost by the jealousies given way to; and on the 7th of June, the day of the dissolution, he doubtless turned sadly away from Westminster with the thought in his heart, and the prayer upon his lips, of which the good Sir James Whitelocke has left record. “All good people wear verye sorrye for it, and I pray God we never see the like.” It was Eliot’s fate to see many more.

IV. EVENTS IN LONDON. 1614 TO 1619.

But now, for some years, Eliot’s life has a quiet interval,

* From a MS. copy of speech delivered in February 1623-4, in Eliot’s hand-writing among the papers at Port Eliot.

strengthening and preparing him for its busier time. Referring long afterwards to the days following his youth, he was in the habit of regretting that his fortune had so little allowed him to be master of himself. As soon as his employments began, he said, they were so tyrannical upon him that all his minutes were anticipated. But the few years' interval after his marriage, at which we have now arrived, appears to have seen him at leisure; living in and near London; and observing, doubtless with many grave and chequered thoughts, what then was passing in the world. We are not without direct and striking evidence, indeed, of the hold kept upon his mind and memory, in all his after years, by incidents which he witnessed then.

Somerset at this time held rule as absolute as Villiers afterwards, and there was a man whom Eliot had reasons for regarding with some interest who had started in life with that favourite now some seven or eight years past, in circumstances of startling resemblance to his own past intercourse with Villiers. When Carr was a page in France, learning manners and accomplishments, a youth named Overbury was similarly placed there, and the intimacy that ensued had continued through Carr's subsequent and wonderful future. But Overbury was content, with no higher rank than that of knighthood, to see his friend made baron, viscount, and first minister of the king, being himself a man of literature and careless life, and satisfied to retain that control and command over his dignified associate which the stronger exerts over the weaker nature. The time arrived, however, when such control became suddenly dangerous. Overbury resisted the foul and shameful project of Carr, lately created Lord Rochester, to procure a divorce for young Fanny Howard, second daughter of the chamberlain (afterwards treasurer) Suffolk, and wife of the youthful Lord Essex, in order himself to marry that wanton, beautiful,

and diabolical person; and the unwelcome counsellor was at once flung into the Tower.

The subsequent revolting tragedy is so well known to every reader of history, that it is very strange to observe how slowly it became known to its contemporaries. The infamous divorce, which the good archbishop Abbot bravely refused to meddle with, had been effected by a vote of seven to five of the bishops and civilians it was referred to; the as infamous marriage, celebrated by Bacon in a masque, and honoured by bestowal of the earldom of Somerset on the bridegroom, had been solemnized in presence of the king; and bride and bridegroom, triumphant in their guilt, had received more than two years' worship from the basest court in Christendom; before it was known, beyond the precincts of that court, what a dark deed had been done. George Radcliffe, afterwards the friend of Strafford, then a law student of Gray's-inn, wrote thus on the 3rd of November 1615 to his mother in Yorkshire: "There hath been a greate adoe about the poysoninge a gentleman in the Tower; one is hanged, another fled, some examined, and divers imprisoned; but small certaintye is yett knowne. It is confidently reported that the Earle of Somersfett is sent to the Tower yesterday night." The report was true; and after another six months, Somerset, standing before his peers a convicted felon, his George taken from his neck,* received sentence of death as one of the murderers of Overbury. The fair-faced fiend for whom the crime was committed, had received her sentence on the previous day; but the scaffold was cheated of them both. Four of the lesser murderers had already perished, the last of them being hanged about a month after Radcliffe's letter; and as the first of them, Weston, Overbury's keeper in the

* In one of the accounts of the trial it is stated that "he had taken off "his George himself" immediately on hearing the verdict against him. *Amos's Oyer of Poisoning*, 110.

Tower, had been on the point of ascending the ladder at Tyburn, there had ridden up sharply to the gallows four hangers-on of the court, of whom the most prominent was Sir John Holles, afterwards Earl of Clare, father of Denzil and father-in-law of Strafford, who were seen to speak to the wretched man, urging him to clear Somerset. But Weston was no longer accessible to favour or fear. One bitter remark had indeed fallen from him at his trial, that the little fishes would be caught and the big ones escape; but he was now past bitterness also. He quietly turned to the hangman, as the great men bawled to him from their saddles; and his last word was an intimation that the crime which had been committed was one deserving punishment.

Of the extent to which Somerset was directly implicated, Eliot appears to have entertained some doubt; and in later years we shall find him making generous allowance for some points in that favourite's administration, wherein, more especially as to the disposal of manors, and malversation and waste of crown parks and lands, he held him to have contracted advantageously with the favourite of the succeeding reign.* For Overbury himself he had a genuine pity. Reverting to him after many years, he called him "an unfortunate piece of merit." Keen was his sympathy for wrong in every case; and, besides his other reasons for viewing leniently the defects in Overbury's character, he entertained an honest admiration of his writings. The circumstances of his death had attracted much attention to them, and especially to such portions as were known to have been composed while he lay in the Tower, gradually wasting, month by month, under slow but deadly poison. There were passages in his poem called *The Wife* alleged to have been sent to

* See *post*, proceedings during the sitting at Oxford in the first parliament of Charles I. MS. at Port Eliot. See also Somerset's own address to Charles, in the *Archæologia*, xvii. 288-9.

Somerfet while his crime was actually in progress,* as a warning against the false Dueſſa that enchained him; and these were especial favourites with Eliot. He continued to quote and admire them long after the temporary interest inspired by their writer had passed away; and, as the fashion then prevailed which has been the fashion of every generation since, to praise lavishly the past and grudgingly the present, it deserves mention, as characteristic of Eliot's openness and sincerity of nature in literary criticism as in matters more important, that he never indulged that habit or left it unrebuked. On one occasion, after quoting Overbury's warning on the vanity of mere carnal beauty, which he held to have been perfectly expressed in the lines wherein it is spoken of as "but to two senses known," less lovely than a picture, and less durable than life, yet outlasting, ever, "the love that's built thereon," he went on to say that in his judgment none of the past writers it was so much the custom to laud could more perfectly have expressed that fancy, "all plainness, yet elegantly rendered." To many, he remarks, it would doubtless seem a wonder that he should claim authority for any fancy "being so new, and born amongst ourselves. I must confess my ignorance" he manfully continues "if it be so. I esteem it not the less as

* In *Harleian Miscellany*, i. 219, is a life of Essex by Codrington, in which it is stated that Overbury had composed the poem expressly to dissuade the Earl from the marriage. Upon its publication after Overbury's death, in 1614, it had a most extraordinary run, no less than five editions having been issued in that year alone, when it came forth with the title of *A Wife, now the Widow of Sir Thomas Overburie, Being a most exquisite and singular Poem of the Choyse of a Wife*. The passage to which Eliot refers with admiration stands thus in the original:

"And all the carnall beautie of my Wife
Is but skin-deep, but to two senses knowne;
Short even of pictures, shorter liv'd than life,
And yet survives the love that's built thereon."

The edition I quote from is dated 1614, and is "the fift impression printed by T. C. for Lawrence Fish, and are to be sold in Paule's Churchyard at "the Tygre's head."

"begotten in this age, and as it is our own I love it much the more. 'Tis truth which I do look for, with propriety of expression to endear it not only to the judgment but the affections; and making insinuation by the language for the sense and reason of the thing. Why then should we not value it to the truth and merit which it bears, is a wisdom past the apprehension of my weakness. I must declare my folly in that point."* A sounder canon of criticism it would be difficult to lay down.

Eliot had also further reason, when those words were written, to linger on Overbury's memory. "He died where now I live." The writer, who had been the youthful associate of the second and more powerful favourite, then himself lay a prisoner in the Tower, and hence this touching addition to the praise. "As it is of my country, I honour it the more; and as it was the production of this place, my admiration is the greater, that in such solitude and darkness, where sorrow and distraction mostly dwell, such happy entertainments and such minutes were enjoyed."* But a far nobler presence than Overbury's peopled that solitude and darkness when another vision arose, and connected itself, even as

* I take these passages from the unpublished MS. of Eliot's Treatise of the *Monarchy of Man*, preserved (Harleian Coll. 2228) in the British Museum. It was written, as we shall see, in the Tower; and I now discover, from Eliot's letters at the time (to be hereafter quoted), that he intended it for publication. With this view, it had been sent to Richard James, the learned librarian of Sir Robert Cotton, who returned it with certain critical suggestions, some of which Eliot appears to have adopted, and afterwards to have made a fair copy, only just completed at the time of his death. This copy passed into the possession of the Holles family (probably through Denzil, an intimate friend and warm admirer of Eliot); and finally, from the ownership of that fourth Lord Clare who was created first Duke of Newcastle, became (according to an entry in the MS diary of Lord Oxford's librarian, Humphrey Wanley, under date 6th May 1723, where he records that "my Lord sent in a MS. compil'd by Sir John Elliot") part of the Harleian Collection, transferred to the British Museum. Here it lay comparatively quite unheeded, until the present writer described it at considerable length, giving large extracts from it, twenty-seven years ago.

Overbury's did, with what Eliot personally witnessed in this early time.

Two years after Somerset's trial occurred the execution of Raleigh. It was the climax and consummation of the baseness of James's reign. It was a shameful sacrifice of one of the greatest men of the English race to the rage and mortification of the power most hated by Englishmen. The idle assertion has been made that no direct influence in it was exerted by Spain, but the fact was notorious at the time and is now established irrefragably.* A Spanish alliance had thus early been projected, and Raleigh himself, who struggled hard for life while there was hope, warned the king with prophetic truth that by his death that scheme might be fatally interrupted. But old Lord Northumberland rested the sole excuse of the court, undeniably, on the foul and sordid one of money. If Raleigh had returned with the El Dorado he had promised, no plea of piracy or plunder would have been set up against him. But he returned an unsuccessful man, broken down with the misery of having seen his son perish by his side. To the greedy longings of James and his court, the El Dorado had again shifted to Madrid. Yet better would it be for the Spaniard, said Northumberland, if this match is to go on, that they should send over a million to save that man from death; and better for the English, if the match is to be laid aside, that rather than kill him they should give a million to Spain. But all intercession was vain. Vain were the entreaties of the good-humoured kindly queen, remembering how Raleigh was loved and admired by her beloved and lost prince Henry; vain the dying prayer

* Sir Francis Cottington was now in Madrid, and letters from him, still existing in the state paper office, show with what eager desire, and incessant pertinacity, the Spaniards had called for Raleigh's death. There is a closing letter of his (MS) dated little more than a month after the execution (18th December, 1618), in which Cottington tells Buckingham that the king of Spain is delighted with the justice done on Raleigh, and will himself write his royal thanks to the king of England.

of the Bishop of Winchester, who for one last favor begged "the life of an old gentleman, a great offender, "who was yet dearly respected by the great queen." The king was mercilefs; Bacon and the judges had their instructions;* and the "old gentleman," summoned but once before the king's-bench, on the morning of the 28th October 1618, and there eloquently pleading, but pleading in vain, against a sentence passed fifteen years before, that had since been superseded, as all competent lawyers knew, by a commission giving him the power of life and death, was told that on the next morning he must die.

When he went back to the Tower, that day, a divine was in attendance upon him, who said afterwards that he found him the most fearless of death that was ever known, and the most resolute and confident; yet with reverence and conscience. "When I began to encourage "him against the fear of death, he made so slight of it "that I wondered at him. When I told him that the "dear servants of God, in better causes than his, had "shrunk back and trembled *a little*, he denied not, but "gave God thanks he never feared death, and much less "then; for it was but an opinion and imagination; and, "as to the manner of death, that to others it might seem "grievous, yet he had rather die so than of a burning "fever." He had been subject, ever since his return and betrayal by the villain Stukeley, his kinsman and the vice-admiral of Devon, to alternations of fever and ague; and from one of these fits he arose on the morning of the 29th of October. He smoked his last pipe; drank his last cup of sack, with the remark that it was good liquor if a man might stay by it; and said that he was ready.

* It is said to have been Bacon's opinion, expressed before Raleigh failed (*Somers's Tracts*, ii. 457), that his commission giving him power of life and death as marshal, with the epithets *dilecto et fideli*, was equivalent to a pardon under the great seal; but Bacon certainly acquiesced in his execution.

The scaffold was erected in Palace-yard ; and among those looking on from an opposite window were some lords well known to him, one of whom was the same Sir John Holles whom we have seen at a very different execution, and who had since bought his barony for six thousand pounds. That Eliot also was present, may be inferred from a description he afterwards gave of the scene, carrying with it a strong presumption that he must himself have witnessed it. He had indeed many incentives to such a special interest as would have led him to watch narrowly the tragedy to its end. He, as well as Raleigh, was of an old Devonshire family ; both were new residents in Cornwall ; and through the Champernownes, one of whom had given Raleigh birth, their families were in a degree related. The man, too, who had betrayed his kinsman and countryman, held the office which Eliot at this time desired to fill ; and upon the quickly following disgrace of that conscience-stricken tool of the court, Sir Lewis Stukeley, vice-admiral of Devon, Eliot first entered public life. Hardly a doubt therefore needs be entertained, that on that cold October morning, Eliot's was among the throbbing hearts that were agitated by the scene he has described, in which, whether sorrow or joy predominated, One man only remained calm and unmoved.

Matchless indeed, says Eliot, was his fortitude ! It was a wonder and example which, if the ancient philosophers could have witnessed, they had acknowledged as the equal of their virtue. " All preparations that are " terrible were presented to his eye. Guards and officers " were about him, the scaffold and the executioner, the " axe, and the more cruel expectation of his enemies. " And what did all this work on the resolution of our " Raleigh ? Made it an impression of weak fear, or a " distraction of his reason ? Nothing so little did that " great soul suffer. He gathered only the more strength " and advantage ; his mind became the clearer, as if

“already it had been freed from the cloud and oppression of the body; and such was his unmoved courage and placid temper, that, while it changed the affection of the enemies who had come to witness it and turned their joy to sorrow, it filled all men else with admiration and emotion, leaving with them only this doubt, whether death were more acceptable to him or he more welcome unto death.”*

So indeed it was. The only anxiety he showed was, that his ague should not return before the axe descended, and his trembling be mistaken for fear. He felt its edge, and smilingly calling it a sharp medicine, said that it was a physician for all diseases. As he calmly uttered what finally he had to say, the lords left their window, and crowded upon the scaffold to hear him. He spoke once again after he laid his head upon the block; the executioner having paused and hesitated. “Why dost thou not strike? Strike, man!” With these words that famous Englishman passed away; doing more harm to Spain by his death than ever he did in his life, though he had never ceased to hate and to assail her. For he left the legacy of his own hate to diffuse itself among tens of thousands of his countrymen; with not one of whom did it work to more decisive ends than with him who turned from Palace-yard with the feeling he has so eloquently expressed, and to which his public life, that may be said to have dated from this day, bore the further and more eloquent testimony of a never-ceasing resistance to the foreign power which had triumphed over Raleigh.

Retribution swiftly overtook his betrayer. The court deserted Stukeley under the load of ignominy which fell upon him, and Eliot became afterwards a candidate for the vice-admiralty of Devon.

* *Monarchy of Man.* (MS.) Brit. Mus. Harleian Coll. 2228.

BOOK SECOND.

SIR JOHN ELIOT: VICE-ADMIRAL OF DEVON.

1619-1623. ÆT. 29-33.

- I. Appointed to Office.*
- II. Capture of Nutt the Pirate.*
- III. Before the Admiralty Court.*
- IV. Justice WITH respect of Persons.*
- V. In the Marshalsea Prison.*

I. APPOINTED TO OFFICE.



LIOT was in his nine and twentieth year when, after the appointment, in January 1619, of the Marquess of Buckingham to be lord high admiral of England, his intercourse with his old travelling companion was renewed. Soon after the disgrace of Raleigh's kinsman and betrayer, we find Eliot doing duty as vice-admiral of Devon, and it was undoubtedly at that time, in May 1618, he received the dignity of knighthood; but he does not seem to have obtained the patent of his office until the following year, when the new lord-admiral made a direct grant of it, with more extended powers, to his old and early associate, with whom the intermediate discharge of its duties, under what conditions does not clearly appear, had again brought him into personal communication.

A vice-admiral then represented, in his particular district, the chief of the naval administration. He was

himself judge, as well as administrator and captain. He pressed men for the public service at sea. He boarded pirate ships; decided upon the lawfulness of prizes; adjudged salvage claims for wrecks;* and, in return for his charges and exertions, divided his various seizures and fines with the lord-admiral. A necessary condition of his patent, was the rendering account of such fines, seizures, and other emoluments, at stated times. In those days, when every part of the channel was swept by pirates, and losses and damage at sea were perpetual, not a little of the personal security of inhabitants of the coast, as well as all the safety of commercial enterprise, depended on the honesty, capacity, and spirit, with which a vice-admiral discharged his office. It had, however, great dangers in addition to great responsibilities. The vice-admiral took the risk, and where a seizure was successfully contested, upon him the loss fell. It was at that time far from unusual that a pirate should have powerful friends, not merely in the foreign governments under whose flag he sailed, but among the very courtiers and favourites at Whitehall whom he had bribed and corrupted. The same position of wealth and independence, however, which made Eliot one of the first men in his country, and had pointed him out for his office, kept him above the temptations in exercise of its functions to which other vice-admirals had been known to succumb; and the power and success of his admiralty ad-

* Denzil Holles, in a letter to his brother-in-law Wentworth, adverts to the many disputes that arose on questions of prizes and wrecks. He is writing (in 1627) of the miseries consequent on Buckingham's infamous administration, and of the ruin of trade in the west that had resulted from the ill-advised war with France. "Why! we western lads respect not such things as these, so we may have wars, and be in action; for, as you say, our prizes make amends for all. Yea, but the craft is in the catching, and, I assure you, we are not over-burthened with the store of them, and those few that are, now and then a barque of fish or canvas from our neighbours and late friends by alliance, the French. By that time my lord-admiral and his vice-admirals be satisfied, and all other rights and wrongs be discharged, a slender gleaming is left for the takers." *Strafford Letters*, i. 40.

ministration were not more attested by the good opinion of his friends, than by the number and pertinacity of his enemies. His knighthood, as I have said, dates also at the time of the grant from Buckingham;* and it will perhaps amuse the reader if I show in what spirit this incident of the knighthood has been dealt with by the class of writers already quoted.

Echard leads the way, connecting it, unfortunately for his purpose, with the affair of Moyle.† After giving the false account, formerly quoted, of that youthful anecdote, the archdeacon proceeds: “And now, supposing he had perfected his revenge, he immediately hastened to London to address himself to his sure friend the Duke of Buckingham, in order to get his pardon: which, to his great disappointment, he could not obtain without advancing a considerable sum of money into the exchequer. But as soon as his pardon was sealed, and the money paid, he received intelligence that Mr. Moyle was unexpectedly recovered. Upon the happy assurance of this, he again applied himself to the duke, to procure the repayment of the money; but that being swallowed up in the occasions of the court beyond any recovery, all that he could obtain in lieu of it was to be knighted: which, though it might have allayed the heat of his ambition, was so heinously taken at the hands of a person once his equal, that after that he never ceased to be his mortal enemy, but helped to blow up such a flame in the house as was never extinguished.” This narrative, foolish upon the face of it, has found its be-

* An amusing mistake was made by Mr. D’Israeli, and has been repeated by subsequent writers, in supposing that besides the vice-admiralty of Devon Eliot held “the office of Chairman of the Committee of Stannaries,” as to which he had drawn up a learned report. There was no such office. The report drawn up by Eliot was the speech, to be hereafter noticed, in which he detailed to the third parliament the results of a committee of inquiry over which he had presided as chairman, into the grievances of the Stannaries, and the malpractices of the vice-warden, Lord Mohun.

† Echard’s *History*, p. 424.

lievers.* It is idle to waste words on its refutation. At the period when the assassin Eliot is thus alleged to have hurried up to his friend the duke, to crave protection from the laws he had outraged, the "assassin" was a boy, and the "duke" George Villiers, with less power than his pretended suppliant.

Rapid and surprising, however, had been the rise of Villiers since the day, when, the king's eye having fallen on his young cupbearer with visible manifestations of delight, it occurred to certain great lords, enemies of the reigning favourite, that Somerset might be best disposed of by putting a new favourite in his place.† It seems certain that this notion had arisen before the prosecution for Overbury's murder‡ was in hand, and that it rendered easier the proceedings consequent on that event. The plan succeeded far beyond the design or the desires of its projectors. Well might Lord Clarendon exclaim, "Never any man, in any age, nor, I believe, in any country or nation, rose in so short a time to so much greatness of honour, fame, or fortune, upon no other advantage or recommendation than of the beauty or gracefulness of his person." At first Villiers had, indeed, no other; but, while it would be scarcely just to himself to deny him qualities of spirit and boldness that to some extent accounted for his sudden and successful grasp at power, it would be

* D'Israeli's *Commentaries*, ii. 270.

† Few things in the story of this profligate time are more amusing than the attempts subsequently made by a rival party of lords to set up young Monson. "They made account to rise and recover their fortunes by setting up this new idol, and took great pains in tricking and pranking him up; besides washing his face every day with posset-curd." Letters in S.P.O. 28 Feb. 1617-8. "Young Monson's friends faint not for all the first foil, but set him on still."

‡ I avail myself of the repetition of this name to add to Eliot's eulogy, on a former page, an opinion I have since confirmed by renewing my acquaintance with Overbury's prose as well as verse. Whatever his defects of character may have been, he adorned literature by many delicate writings. Some passages in the *Witty Characters* appended to his poem of *The Wife*, have a rare and choice merit; joining to infinite shrewdness of expression, a quiet genuine humour.

unjust to one like Eliot, who recognized in him a something not unworthy the allegiance of an independent and superior mind, not to admit that Villiers had really no lack of such merits in abundance as might fairly challenge the admiration of a nature akin to his own in its vivacity and quickness of impulse, though of that purer purpose and more sustained resolution which might well find excuse for hostility and anger, in later years, at the ill employment and abuse of what earlier seemed so fair.* Not yet, however, does that later time present itself; and with the successive steps in the ascent of Villiers's fortunes, these pages have no immediate concern. The poor but handsome young cupbearer had become a knight; the knight had become a baron, a privy councillor, a viscount, a knight of the garter, an earl, a marquis; the marquis had quitted the place of master of the horse to become lord high admiral,†

* D'Ewes, then a keen-witted lad of 19, thus describes Villiers as he saw him at a tilt-match with the prince and some French lords, in the yard over against Whitehall. "I crowded in after them, and seeing the "Marquis of Buckingham discoursing with two or three French monsieurs, "I joined them, and most earnestly viewed him for about half an hour's "space at the least; which I had opportunity the more easily to accomplish, "because he stood all the time he talked bareheaded. I saw everything in "him full of delicacy and handsome features; yea, his hands and face "seemed to me, especially, effeminate and curious. It is possible he seemed "the more accomplished, because the French monsieurs that had invested "him, were very swarthy, hard-favoured men. That he was afterwards an "instrument of much mischief, both at home and abroad, is so evident upon "record as no man can deny; yet this I do suppose proceeded rather from "some Jesuitical incendiaries about him, than from his own nature, which "his very countenance promised to be affable and gentle."

† The subtle and servile bishop Williams, thus far an unquestioning follower of Buckingham, and having no wish but that he should "be upon "earth as his piety would one day make him in Heaven, an everlasting "favourit," was too acute and farseeing not to discern the dangers that lay a-head when he grasped the admiralty; and in a letter of warning he so exactly anticipated what afterwards gave occasion for Eliot's bitterest sarcasms, that the passage is well worth quoting. He is pointing out the advantages of the Lord Steward's office over others: "The Master of the "Horse is butt a knight's place at the most, and the Admirall's (in time of "action) *either to be employed abroad personally, or to live at home in that "ignominy and shame*, as your grace will never endure to doe. I will trouble "your grace with a tale of Dante, the first Italian poet of note, who beinge

and dispenser of all offices and favours; and now the patent of dukedom was preparing, and that marvellous fortune was fast rising to its culminating point; when the fate of Eliot of Port Eliot became again interwoven with it. It is during the absence of the lord high admiral in Spain, whither he went in defiance of popular feeling to play the game of the court, and from which he returned in defiance of the court to play a popular game more hazardous and which indirectly led to his destruction, that the vice-admiral of Devon enters on the public scene.

II. CAPTURE OF NUTT THE PIRATE. 1623.

Early in April 1623 Eliot was in communication with the privy-council. It seems to have been his first express employment under their direction. He has been busy pressing seamen for the king's service, and has had ill-success in the work. Following instructions sent down by the commissioners of the navy (of which a Mr. James Bagg, of whom much has hereafter to be said, was the bearer), he had issued precepts to the constables in the western parts of the south of Devon to summon all the mariners and seafaring men within their precincts to be at such places as best suited with the ease of the country and the promptitude of the dispatch. Their time was so straitened however that his report could not show results at all satisfactory. The appearances to the summons were small. A large proportion of mari-

"a great and wealthy man in Florence, and demanded his opinion who should be sent ambassador to the Pope, made this answer, that he knew not who.

"Si jo vo chi sta, fi jo sto chi va.

" 'If I goe, I know not who shall stay at home; if I staye, I know not who can performe this employment.' Yeat your grace stayeing at home, in favour and greatnes with his M^{tie}, maye by your designe and direction soe dispose of the Admirall, as to enjoy the glorie with^t running the hazard of his personal employment."

ners had lately gone for Newfoundland. Others had secretly withdrawn themselves on rumour of the intended order reaching them; for intelligence of the letters of the council had been suffered to get abroad almost a fortnight before they were delivered. The result was that in Eliot's belief there was not a tenth man present; and out of these there had been such small choice, that any defect of sufficiency was not to be imputed to his neglect, but to the inadequate time afforded.

Eliot appears to have acted with much caution. He called to his assistance a man than whom none bore greater authority in the west, who had sat in two of Elizabeth's and in all James's parliaments, and whose eloquence had been exerted with effect on the popular side. "I had the assistance of Sir Edward Giles, and with his help have prest between this" (he is writing from Plymouth) "and Dartmouth eighty men, the ablest we could meet, and not the worst, I presume, that have been so entertain'd, for whom we will rather suffer the complaints of the countrie than your honours' censure." He went on to say that he had learnt from their messenger, Mr. Bagg, that Mr. Drake had undertaken to raise the rest of the number required in the eastern parts of that southern division; but as yet he had neither been afforded direct advertisement, or a meeting therein, as perhaps the time could not aptly grant such in the suddenness imposed; yet he doubted not all would be complete, and that the men would be as good as many.

The close of his letter had reference to failures of duty on the part of persons employed as well as summoned. He had been informed, since the "prest," of divers, constables and others, that had committed neglects; and of some that in contempt of the command, after warning, had drawn their ships and men out of the harbours. Against such, as soon as he could meet with them, he should effectually take proceeding. For those others

who had absented themselves in voyages, he should crave the favour to be once again commanded what course to hold at their return. As, in contempt of his majesty's proclamation and their lordships' special order, to have thus departed deliberately and "of purpose," was an excess of boldness, so should their punishment be something extraordinary to make them an example. "I shall omit nothing," concluded Eliot, "of my dutie in any of your lordships' services; and in this first imployment, I take it as a happiness that your honours have cast an eye on me, from whence, if it reflect your expectations cleere as my desires, I shall esteeme my vowes heard and granted; by which I doe remain your lordships' thrice humble servante."*

There was much nevertheless in this communication, especially in its reference to the departures for Newfoundland, and in its closing intimation of his designs against defaulters, that must have carried, to some members of the council, a meaning less satisfactory than it was intended to bear, or than it did convey to the rest. It pointed at the extraordinary influence exerted at this time, to the prejudice of the king's service, by a man who had placed himself above the laws, and who was suspected to derive, through the interest or influence of privy councillors sworn to administer them, the very opportunities by which he defied them. No one at all conversant with this period of our history can have failed to be struck by the extraordinary lawlessness that prevailed at sea. Our coasts for the most part were without watch or defence. The dissolute extravagance of the court took no heed of the subject's claim to protection; and if a needy lord could fill his spendthrift purse for a day by help of a freebooter of the sea, the honest merchant was helpless against the plunderer and pirate.

* MS. S. P. O. 8 April 1623. Eliot to "the Rt. Hon. ye Lords of his Ma^{ties} most hon^{ble} Privie Counsell."

As a consequence, the coasts swarmed with such ; but of all who had so obtained infamous distinction, the most notorious was Captain John Nutt. This man had possessed himself of several pirate ships, and no point along the Irish or western sea was safe from his attacks. His career had commenced as gunner of a ship in Dartmouth harbour bound for Newfoundland ; on arriving at which place he had collected a crew of worthies of as desperate fortunes and purposes as his own, seized a French ship with which he subsequently captured an English ship from Plymouth of larger tonnage, added afterwards to his force a Fleming of near two hundred tons, and having enriched himself by ravaging the fishing craft in the Newfoundland seas, had returned, too strong for capture, to the English coasts. This was the third year of his piracies. He tempted men from all the services by higher wages and more certain pay. It was by his help that the king's seamen, so eagerly waited for by Eliot in Plymouth-roads, had meanwhile safely passed over to the shores of Newfoundland. Mayors and municipalities of seaports and harbours, in both channels, poured in upon the council complaints of his outrages; of his laughing from his safe retreat at Torbay at the attempts to make seizure of him; of his impudently wearing the very clothes of the men he had plundered; of his bragging of the pardons he had received. It was too true. Copies of more than one pardon, on condition of his surrender within certain dates (of which the effect would have been to leave him unmolested in possession of his plunder), had reached the hands of Eliot at the very moment when that resolute vice-admiral had been pressing him so hard, that while the pardon alone prevented his capture, his pursuer had yet so pressed him to flight that he was beyond its reach within the necessary limit of time specified. It appears to have been to Eliot altogether due that the intercession for so worthy an object by sundry of the courtiers and privy councillors, had thus far

failed, and that pardons twice obtained for the pirate Nutt had hitherto been rendered useless.

Shortly after his commission placing him in direct communication with the council, the proceedings of this man were again brought under Eliot's attention. He had returned from sea and once more put into Torbay. Thither immediately went Eliot, and made what attempt he could to effect his capture. He watched the persons with whom he held correspondence, obtained access to his places of resort, and omitted no opportunity that offered any chance or advantage of surprise. But the pirate was too strong for the vice-admiral. Riding in a place that could not be commanded, and landing in great force when at any time he came ashore, he laughed at the endeavours to seize him. The complaints against him were meanwhile of such a character that Eliot sent up the particulars to the council-table, and desired advice and instructions. No answer was returned to that letter.

At this very time, however, petitions from persons particularly aggrieved by Nutt's proceedings were carried to the king himself, and by him appear to have been handed to Conway, with a view to communication with Eliot. The secretary wrote accordingly; and though his letter, dated the 12th June, did not reach Eliot until, being still left without reply from the council, he had acted on his own view of the case, its substance may be stated here; to show both the urgent necessity that had arisen, and the kind of offender with whom Eliot had to deal.

By an information taken in Ireland, Conway said, it appeared that Captain Nutt much infested the Irish and western coast, and had committed many insolent and brutish piracies, to the disturbance of quiet trade and the great prejudice of his majesty's subjects. Further it seemed, that some hopes having been held out to him of a pardon from his majesty (his majesty had already

with his own hand subscribed two pardons !), the pirate had been lately in the habit of making his retreat at Torbay, near which he had a wife and children, and of occasionally landing there. This information therefore was given, to afford opportunity to the vice-admiral of Devon to do a service very beneficial to the country, and acceptable to the king; whose express pleasure and commandment it was that he should employ his best diligence, care, and discretion to apprehend the pirate as he came on land. For the better effecting whereof, it would be very important that such directions as the vice-admiral might give in the matter should be carried with as much secrecy as possible; that he should inform himself what places and companies Nutt was like to resort unto, either to treat respecting his pardon, or in jollity to drink and be merry; and that special order should be issued along the coast, without naming Nutt, for the careful watch of such seafaring men as should come on shore, and the stay of any that were suspicious. These instructions, and what else he might himself, in his discretion, experience, and knowledge of the country, find expedient to be done in the affair, Conway concluded by commending to Eliot's careful direction and effectual pursuit, desiring account to be made to his majesty.*

But before this reached the vice-admiral, as I have said, the task it imposed, with so evident a sense of its difficulty, he had already, unassisted, perfectly achieved. A chance for success had unexpectedly presented itself. A copy of the last pardon granted to Nutt having been brought under the vice-admiral's notice, he observed, upon examination, that a question might fairly be made whether it did not still possess efficacy. In reality Eliot seems to have known that it would not hold in the admiralty-court. It was a pardon for all piracies committed until

* MS. S. P. O. 12 June 1623. Conway to "Sir John Eliott, Vice-Admirall of Devon, at Plimouth. Sent by post at 8 a clocke in the morninge."

the 1st of February, but with extension of time for notice to the pirate that might make it valid until the 1st of May; it was now, however, near the close of that month, and there was hardly a possibility of any question as to notice being successfully raised; but if Nutt could be induced to believe that it had force, there was sufficient ground for question to justify Eliot before the council for having appeared to act also under that impression; and, the man once taken, the amount of public service done might answer sufficiently to objections subsequently raised. Eliot caused intimation accordingly to be conveyed to Nutt through one of his officers, and the result showed that he had not been misinformed of the pirate captain's disposition to fall into such a snare. Nutt argued the matter doubtless from his own point of view, and believed that Eliot would be more eager to deal with him for a valid pardon, when he would himself share the advantage of the fine with the lord-admiral, than to play the losing game of merely serving the public by entrapping him into a surrender, and visiting upon him the penalties of law.

In the latter end of May, accordingly, Nutt wrote to him from Torbay, "being then aboard his man-of-war "there." In this letter he spoke of his having had communication with Eliot's deputy, Mr. Randall; of his willingness to pay 300*l.* if the pardon should be forthcoming; and of his desire to come ashore for the purpose of treating, without exposure to the chance of arrest. Eliot at once, on receiving it, rode from Plymouth to Torbay, "intending by some conference to persuade him to come "in and submit:" but on hearing of the vice-admiral's preference, the pirate's heart seems to have failed him, for by the messenger who carried Eliot's message he sent back reply, "that he would willingly have come ashore, "but his company would not suffer him, and therefore "desired to be excused."

Eliot had now to consider whether the game was

worth the candle; whether it befitted him to be less wary than the pirate of personal danger; and if it was wise to risk, amid a crew of outlaws, the chance of a discovery of the artifice he meant to practise. But he resolved to encounter the hazard, and he went on board Nutt's ship on the 6th of June. He then saw and spoke with him for the first time.

The first thing he became aware of, on reaching his deck, was that Nutt, even while the negotiations for his submission were in progress, had made prize of an English merchantman, a Colchester ship with a cargo of sugar and timber; and one of Eliot's first remarks appears to have been that this capture should at once be given up, at which Nutt betrayed so much sudden indignation as to place the vice-admiral more decidedly on his guard. It was, thenceforward, craft against force for all the rest of the interview; and craft won the day. The three hundred pounds originally promised were enlarged to five hundred. Nutt was to permit Eliot's officers to seize, before he surrendered, and in earnest of the further fines to be paid, six packs of calveskins. The various terms were settled in the pirate's cabin, over a flask of wine; and when it was afterwards reproached to Eliot, that, upon the captain of the Colchester ship kneeling to him in an agony of entreaty for his interference to save what he valued more than life, he had disregarded the petition, Eliot made answer very much to the point. "It is true, such a one came to the cabin-door, where the vice-admiral was drinking with Nutt, and petitioned for his ship and goods when it was in no one's power to do him any service; neither dared Sir John Eliot earnestly importune Nutt, at that time, on his behalf; for at his first coming aboard, when he understood that the captured ship was English, using some words special to persuade Nutt to quit her, in respect the king had now granted him a pardon, Nutt presently fell into a passion, and vowed

"not to accept the pardon but upon condition to enjoy what he had. Sir John had not even spoken with the man that knelt." As to what Sir John meant to do when he should have left the ship, and Nutt had completed his act of surrender, it will be seen shortly that his determination was already taken.

The pirate himself had some suspicion of this, and made an effort, before his surrender, to get the vice-admiral once again into his power. When he was at the very mouth of the harbour, ready to come in, he wrote to Eliot to say that warnings had been conveyed to him that his pardon was naught, and he should expose himself to arrest if he came on shore; and he had therefore resolved not to venture, unless the vice-admiral would first come on board. But Sir John, "knowing the danger of the first adventure he had made going aboard him in Torbay with a pardon out of date, and not willing to trust himself again with people of that condition, in a letter made an excuse for his not coming; and therein sought to give some assurances to dissolve his doubts, wherewith he prevailed, and so got him in." * Placing him at once under temporary arrest, and taking steps to secure his ship and her prize, Eliot again wrote to the council.

Since his last unanswered dispatch respecting Captain Nutt, he said, the latter had, upon knowledge of a pardon which his majesty had been pleased to grant him, submitted and brought his ship into Dartmouth; whereof he presumed to give their lordships intelligence with a view to such directions as they might impose for his majesty's service. The pardon was of the 1st of February, but it bore extension "to some liberty for notice which it seems he met not until now." In other words, though out of date, the pardon might be sustained

* The various facts stated in the text are taken from the original records of the subsequent examinations in the admiralty-court. MS. S. P. O. 24 July 1623.

on the ground of time for notice of surrender, as to which opportunity had only now been given. But Eliot went on to show how ill-deserved any such grace would be. There were three months only prefixt (he means that the condition of pardon was for surrender within three months of its date); the time had expired; and since that time, the man had committed many depredations and spoils. In one week he had taken at least ten or twelve ships on the western coast; and only on the preceding Thursday or Friday, while these matters were in progress, he had surprised a Colchester brig just returned from the Islands laden with woods and sugars, which still he detained as prize.*

Eliot's object in this letter appears clearly, when stated in connection with the terms of the pardon. Upon those terms, it will hereafter be seen, and upon the fact of Nutt's possession of the Colchester prize, turned consequences that were serious to the vice-admiral. Nutt was to pay five hundred pounds as a fine to the lord-admiral on the pardon being confirmed to him; and for payment of this fine (which Eliot by the terms of his patent would equally share), immediate security in goods, if not the money itself, was to be taken by the admiralty. It was for the council therefore to decide whether the pardon should be treated as *bonâ fide*, the fine exacted, and the man exempted from further consequences; or whether he should be held to have forfeited any assumed rights under it, and be made responsible for his misdeeds in purse and person. Of the view taken by the vice-admiral himself, however adverse to his own interests, the closing passages of his letter must have left their lordships little doubt.

"In these things," he wrote, "I am doubtfull what to doe without some especiall order. These insolencies which he has heer acted, and soe latelie, upon our owne

* MS. S. P. O. Eliot to the Council. Dartmouth, 10 June 1623.

“merchants, makes me thinke his majestie will resent
“them as his owne wrongs, and not worthie of his par-
“don. The reputation of that grante is soe large, as I
“dare not dispute his majestie’s intention; but, as
“something too high, I must flie to your lordships’
“favors for construction, which I most humbly crave.
“My desires strive to avoid the danger of an ignorance;
“and as they would not contest his majestie’s pleasure,
“soe I [trust] to be held free of neglect in my
“place. The least word from your honours shall
“breake this difficultie, and levell me a waie to the
“service I profess; which I shall follow with my utmost
“diligence, and in all thinges studie to be knownen his
“majestie’s and your honours’ thrice humble servante,
“J. ELIOT.” A hard service, then, for an honourable
man to follow! in which, the necessary force for
protection of the subject being withheld, craft had to be
employed in its place; and officers of state, in mere
deference to its supreme authority, had to cover with
elaborate forms and professions of respectful courtesy,
their indignation at pardons extended to public rogues
and plunderers.

We are still, however, only on the threshold of the
strange story of the capture of Captain Nutt.

While the affair of the capture was in progress, and
Eliot remained watching Nutt in Dartmouth, intelli-
gence was brought to him which called on the sudden for
official interference, and showed, in a characteristic way,
his energy and his humanity. One of his officers informed
him of a plot laid between the skipper of a large Ham-
burgh ship laden with corn, and a Dutch crew that, after
dismissal from a ship of war, had come from Plymouth,
by which the Hamburgh ship had been surprisid and
taken while she lay at anchor in Torbay; “from
“whence,” as Eliot afterwards wrote to secretary Con-
way, “they were going with her to seeke some other
“purchase, and soe to have furnisht her for a man of

"warr." No sooner, however, had the transaction been disclosed to the vice-admiral, than, as he wrote to the privy-council, "weighinge the lewdnes of such actions, "how much they tend to the publicke prejudice," he manned forth himself a little barque with thirty or forty men, attacked the plotters in possession of their prey, recovered and brought the ship into Dartmouth, and packed off the delinquents to prison. Both intent and plot were confessed on their examination, to which he had called in aid the mayor of Dartmouth and the commissioners of the customs; and the skipper proving as great a delinquent as any, if indeed not worse than the rest, he had sent him to gaol too.

A striking passage occurs in the account of the exploit which Eliot appears immediately to have transmitted to the council. After mentioning his retention of the prize of which he had thus obtained possession, he continues: "The corne beginns to heate, and will impaire much in a little staie; soe that ther must be some present course taken to prevent the losf that otherwise will follow. It is a good quantitie, and might be a great helpe to this countrie, which now suffers a hard necessitie and dearth, and labours much with the miseries of the poore. But therein I dare doe nothinge without your lordships' order, which in a matter soe important I hope your lordships will be pleas'd to honor me with. The praiers of the poore will therein ever follow your lordships; and the countrie shal be bownd to acknowledge soe large a benifitt and supplie." *

The letter closes with assurance, on the other hand, that, upon the least word from their honours, he would see the cargo carefully disposed for the best advantage of my lord-admiral, or whom it should concern; "and the provenewe to be justlie accounted, which will here-

* MS. S. P. O. Eliot to the Council. Dartmouth, 12 June 1623. Endorsed "About a ship seased laden with rye, *coram* the V. A. the M. of "Dart. the Com^r of the Customs."

"after lessen much if it be not forthwith taken." He wrote at the same time to secretary Conway, informing him of the details of the occurrence; and urging that in these things the want of a special commission disabled many such occasions from being turned to account, where resistance was at all to be apprehended. "Because I have no warrant ex-officio to hazard anie man's life, and I should be loath of myself to make an adventure upon the lawes." In what levelled with his power, he added, no man should more faithfully, none more readily, follow the service of his sovereign. He could sue to be employed, and, if it were not a fault, therein be ambitious; but his abilities were far short of such desert, and he would not, under his weakness, have his majesty's service suffer. Yet in what Mr. Secretary should think him worthy to be commanded, he would strive to express himself Conway's "most affectionate servant."*

The desire expressed in these letters for the people's help and benefit, is manifest in all Eliot's official notices. He appears to be on every occasion, also, scrupulously on his guard to keep the nature of his commission distinctly before the council, and, by pointing out the limits of his powers, by adverting always to the claim of the lord-admiral, and by claiming nothing in the way of profit to himself that does not strictly fall within his patent, to avert the danger of personal imputations. It is not the less necessary to keep this in mind because he will be found to have failed in his object, so important to an honourable man in an age of vice and dishonour.

As to Nutt, though the lords of the council still continued silent, they were not suffered to remain at rest, for on the very day, the 12th of June, when Conway had written to Eliot at the king's desire, the mayor of Dartmouth, Mr. Thomas Spurwaie, was addressing my lords upon the

* MS. S. P. O. Eliot to "the Rt. Hon. Sir Edward Conway, K^t, "Secretarie to his Ma^{tie}," att Court." Plymouth, 16 June 1623.

same subject. The recent return of Nutt from Newfoundland had affected the district as with a sudden panic, and on all sides they were stretching out hands for help, when the help of Eliot so unexpectedly came. The worthy mayor appears to have been filled with admiration of the subtlety and success, and "the wife and discreet carriage of our Sir John Eliot, vice-admiral," in having at last brought to bay a man who had committed such barbarous ravages and cruelties; and not less with wonder at the circumstance of certain private gentlemen having been solicitous to obtain pardon for him. Mr. Spurwaie describes the last robbery he had committed on the ship of Colchester "which came from the Wester Ilandes laden with sugar and woode to the value of "4000*l.* or there aboute," and his cruelties to her crew. He had literally stripped them of their clothing, which his own men put on; and in this state Nutt and his fellows had had the insolence to parade themselves on the quay since they came in, counting on his majesty's confirmation of the pardon, "boasting of its large extente, "and not ashamed to weare the clothes of those poore "men in there fighte, from whom they tooke them few "daies since; a parte so audacious and barbarous as was "never hard or seene in our nation. My goode lordes," the excellent magistrate continues, "seeinge these cruelties "and uniuersall curses, I have adventured to putt aborde "these poor men, in possession of there goodes, and have "taken a shoure the sayles in my keepinge for the better "safte, waytinge whether your lordships will further "command me herein." The good Mr. Spurwaie thinks it right further to add to this account an admiring mention of the good services also done by the vice-admiral in the matter of a *Hamburgh ship*,* captured by a crew of rascally Flemings, and retaken without bloodshed by the promptitude and gallantry of Sir John Eliot. And

* *Ante*, p. 51.

having counted it his duty so to advertise my lords, he prays God to increase them "with all honour in this liffe and in the lyfe to com eternal happines."*

This letter was delivered to my lords on the 15th of June, by which day, though Eliot was still without reply from the council to his own dispatches, he had received the letter we have seen addressed to him by Mr. Secretary Conway on the 12th of June; and to this he had replied on the 16th of that month. After stating his willingness to expose himself to all hazards and travail for the happiness of giving satisfaction to his prince or his country, he tells Conway of the proceedings taken as to Nutt before his letter was written; of his having advertised the council-table of the fears of the country, and desired advice from them; of such advice not having been vouchsafed; whereupon, while waiting their answer, and having no hope by open attempts to effect anything upon Nutt, he had practised another way to allure him whom he could not compel, and upon hope of favour to make him stoop; to which end he had gotten an exemplification of an old pardon which his majesty formerly granted, and with that, and some persuasions, had prevail'd upon him and brought him to submit and to bring his ship into Dartmouth-port. The result had been to free the trade, which his lying on that coast had so much impeacht; and to give no small content to all the merchants,

* The letter (MS. S. P. O.), which had been sent by messenger, marked "haft haft give these with speede," bears not only the endorsement "Recd. at London the 15th at 4 afternoone," but also a note very curiously showing the route taken by the messenger, and the successive dates and stages of his journey.

"Hartford bridge past 5 in the morning

"Stroud att 3 in the afternoone

"Exceter at 10 in the night the 13th of June

"Att Honyton about 2 in the morninge June 14th

"At Crewkerne past 7 in the morninge June 14th

"At Sherborne at 10 in the morninge 14th

"At Shersbry past xii. of the kloke at noone the same day

"At Sarrem past iij. in th the same day

"Andever past viij. of clocke in the xiiij. daye of June."

who as much feared his going to Newfoundland as the evils they suffered from him at home. Having secured him thus, Eliot proceeds to say, he instantly again gave intelligence to the lords of the council, sent them a true relation of what had passed, and importuned them to give him needful direction. He encloses to Conway a copy of this letter, which already has been quoted; and then acquaints him that Nutt's ship remains in safety without danger of getting forth, having her sails all taken from her, and a guard on board her which he had placed: but for the persons of the men, he had thought it best not to touch them, until he should be informed of the extent of his majesty's intentions in the pardon, whereof he dared not be interpreter.*

To this a short but emphatic reply† was sent by Conway from Wanstead on the 20th, to the effect that without having regard to any pardon he was to apprehend and put in safe custody Nutt and his accomplices, and was further (if not already done) to send up Nutt himself to the lords of the council. He was to seize, and place in sure hands, the pirate's ship; and all the goods ("he being held to be verie rich") were to be kept "without embezelling." He was also to enquire of, and keep until further orders, all goods brought on shore; in what hands soever the same should be found.‡ And these instructions were accompanied by a letter in which the highest commendations were bestowed on Eliot for his service; and wherein it was intimated to him that when the time should serve for his attendance at court to render personal account thereof, he would be admitted to the favour of kissing the king's hand.

* MS. S. P. O. Eliot to Conway, 16 June 1623.

† Conway could not afterwards pretend not to have been fully acquainted with the circumstances of the capture at the time when this letter of instructions was sent, for the copy bears the endorsement "acknowledgment of the receipt of his of the 16th" in the Conway letter book (MS.) S. P. O.

‡ S. P. O. Conway to Eliot. This letter was to have been sent "by Gegh the messenger;" but it was ultimately "sent post at noon."

Before these instructions arrived, as Conway appears to have anticipated, Nutt had been already sent up prisoner to the council-table. An order to that effect from my lords, dated the 13th, had reached the vice-admiral four days later, with which he immediately complied. To Conway's letter, Eliot makes grateful answer of his unworthiness for such grace as through his favour he had received, to kiss the sacred hand of his sovereign in the account of his poor service concerning Nutt; and he must acknowledge Conway's great nobleness that could descend to the recommendation of so mean endeavours, which in nothing sufficed to express his affections, or show how much in such commands he coveted his majesty's satisfaction. Since sending up Nutt to London he had placed his crew under arrest, and according to his majesty's directions should continue them in safe custody. Concerning the ship and goods, he had neglected nothing that might secure all that was brought in with the surrender, or make discovery of any parcels that might before have been landed. Some such he had found and taken into his own hands, where they should remain until his majesty pleased otherwise to dispose them. "One chest I yesterdaie recovered, wherein it was suppos'd his treasure laie; but I finde it soe unfitt a mention in this place as I dare not speake what it does containe." The rest would carry, he feared, Nutt's own emblem, the worst; which he could not yet make better. But should it appear hereafter less ill than he feared, he would give his honour all due intelligence.*

On the very day when that letter was written, however, the 25th of June, a communication had been forwarded to the mayor of Dartmouth, importing into the affair a new and unexpected element. Through some members of the council, an order of the admiralty-court had been

* MS. S. P. O. Eliot to Conway. Plymouth, 25 June 1623. Endorsed by Conway "Sir John Eliott, concerning his proceeding with Nutt the "Piratt and his men and goods."

obtained for restitution to her owners of the Colchester ship; and immediate compliance with this order, issued by way of commission to the mayor and two others, one being the provincial judge of admiralty, Mr. Kifte, was directed to be enforced without delay against the vice-admiral. Eliot appears instantly to have suspected some unseen influence working against him. He had himself, from the first, made no secret of any part of this transaction; and had stated that he temporarily held this ship only in trust for the admiralty, until the question as to Nutt's pardon, involving payments due to the lord-admiral, should be determined by the council. Nutt, who was known to be wealthy, remained primarily responsible to her owners; and the temporary detention of the ship by Eliot, to whom they would wholly be indebted for her ultimate restitution, was simply to retain for that time a power over Nutt, that might be used to compel him yet to give back more largely of his ill-gotten gains. In any case, Eliot seems to have felt that to proceed as now proposed, superseding his authority as vice-admiral by an inferior officer of the court, and without further notice of his representations as to the conditions of the pardon, was an unworthy and designed slight to himself. Believing that he was secure in the good opinion of Conway and the favour of the king, which had just been expressed to him so strongly, he determined to resist.

His decision was communicated to the council by the mayor of Dartmouth, by Mr. Kifte, and their associate, Mr. Staplehill. "Right Honorable," they wrote, "May it please your lordships to be advertised that wee received letters dated the 25th of June last from your lordships directed to us and to Sir John Eliot knight Vice-Admirall of the county of Devon, by which we were required upon sight therof to deliver a ship and goods belonging to certaine merchantes of Colchester latelie taken and brought into Dartmouth by Captaine John Nutt a piratt: which (according to our duties) wee were

"ready and willing to performe, and mett togeather,
"and attended onely this service these three dayes last.
"But the said Vice-Admirall hath not onely denied the
"delivery of the same, but hath now taken up and
"carried away your lordships' letters and alsoe a com-
"mission directed to us, out of the high Court of
"Admiralty, for the same purpose; by meanes wherof
"wee cannot performe that service which was by your
"lordships commanded. Soe in all duty we humbly
"take our leaves. Dartmouth this 4th July 1623.
"Your lordships' in all humble duty and service to
"commaund. Thos: Spurwaie Maio^r. Will^m. Kifte.
"Aldred Staplehill."*

But Eliot had miscalculated his means of sustaining himself in the resolution he had taken, and had now to learn the strength of the influence, which, from what seemed to be a very abyss of defeat, captivity, and hopeless disgrace, the pirate captain could yet direct against him. That month of July had not reached its close, when the vice-admiral of Devon lay a prisoner in the Marshalsea; and, by the middle of the month following, there had passed under the king's own hand, the same which Eliot was to kiss in full reward for having rescued the land from Nutt's piracy and plunder, a free and unconditional pardon to the pirate and plunderer.†

Before showing what other hand it was that secretly had been pulling the strings, and had effected such sudden changes, it becomes necessary to exhibit the nature of the charges preferred against Eliot before the council. They are sufficiently curious to justify some detail; and, taken with the circumstances already related, they complete a singular picture and illustration of the time.

* MS. S. P. O. Endorsed "A le^t from the Mayor of Dartmouth concerning Sir John Elliot."

† The pardon bears date the 18th August, and, under that date, remains in the state paper office (MS.) of that month.

III. BEFORE THE ADMIRALTY COURT.

The charge as to the Colchester ship and her cargo appears at once to have broken down. No pretext was found for alleging that Eliot's proceedings in that matter were in any respect wanting in good faith. There is nevertheless no doubt that the arrest of the vice-admiral had been passed at the council, upon a complaint handed in by the captain of the Colchester ship, which, as it is in its way a curiosity of letters, I present exactly as it may still be seen in the state paper office.

"The 4th of June nowe p~fant Captaine Nutt tocke
 "our shipe fume twoe leags of Dartmouthe and caried
 "hur into y° road of Torbaye whear he and his cum-
 "peny remained veuinge and serchinge hur untell nexte
 "daye in y° after none after ward Captaine Nutt went
 "aborde his owne shipe and thether y° visambrall
 "broughte y° saide Captaine his pdone, and havinge con-
 "ferd clofly y° spase of twoe owers in y° cabine of y°
 "shipe of y° said Nutt y° visambrall returned ashore all
 "this tyme y° said Nutt tocke nothings from us butt
 "y° Ambrall Returninge aborde againe wth all speed,
 "went wth y° Captaine aborde our shipe and in his
 "p~fance hoyffted out 14 chestes of fugar y° w^{ch} beinge
 "out y° Ambrall returned ashore againe he being gone
 "Nutt cawfed y° haches to be shett and noe more fugar
 "to be tacken out of our shipe, butt p~fantlie forced all
 "y° men w^{ch} belonged to our shipe to goe ashore only
 "wth y° clothes thaie had onst their backes and after-
 "wardes caried our shipe into y° harbour of Dartmouthe
 "wthout anny one of our men whear wee are informed
 "y° Ambrall makes price of hur."

The "visambrall," by which the reader will have discovered that the vice-admiral is meant, had little difficulty, as may be supposed, in disproving the charge of having attempted flagrantly to play the pirate himself; seeing that even Captain Nutt, eager to fasten upon him

every kind of imputation, found this particular one too strong for him. He had no recollection of it, he said in his examination ; and the worthy owners of the ship, the Edward and John, by name Mr. John Eldred, Mr. John Wells, Mr. William King, and Mr. Edward Hasler, subsequently bore testimony that ship and cargo had been restored to them without a chest of sugar wanting. It was yet upon a charge so made, that the council sent their messenger to bring Eliot up to London ; committed him to the Marshalsea prison ; and afterwards referred it to the judge of the admiralty, Sir Henry Marten, to make report therein.

Nutt was the first person examined by Marten. Describing himself as of Limpston, in the county of Devon, mariner, and stating his desire to obtain a pardon, the overtures of Eliot, and the condition for payment of 500*l.*, he went on to say that he signified at the same time to Sir John that he had no monies then ready ; whereunto Sir John wrote him answer that he must have money, or money's worth, howsoever he, Nutt, came by it, or else the pardon could not be procured. Then, after Sir John had promised to procure his pardon, that, he then being with his man-of-war in Torbay, Sir John sent him word either by Randall or Norber (one was deputy, the other marshal, to the vice-admiral), that that was no place for him to ride in to get anything, and therefore he ought to go out to sea. And further, Sir John wrote, in a letter to him, that it was to no purpose for him to ride in Torbay, and willed him to go out to sea until he had his pardon. (Being asked, upon this, where the letter was, he replied that he had it not, for that Sir John took it among others when he took his chest from him.) Also that Sir John's deputy, Mr. Randall, on coming to him with a message, had told him that at Dartmouth there were divers ships laden with goods and money out of Spain, whereof one had received fifteen hundred pounds for freight ; *they* would

be worth the taking ; and if he could fingle out the one with the most money, his master (meaning Sir John) would work for all. And that it was not till about ten days after his message from Sir John, and eight or nine after Randall's remark, that he seized the Colchester ship with sugars.

Nutt also deposed, as to goods delivered to the vice-admiral during the negotiation, that three or four days after his first letter, he sent unto Sir John, out of his man-of-war, being then under sail not far from Torbay (by Richard Randall and John Norber, who came aboard him there in a boat), thirty dozen of calveskins ; and Sir John himself never had anything else, though what benefit otherwise by the surrender might have been made he knew not ; but Randall and Norber had four pieces of baize for themselves. He added that those officers came to him four or five times aboard his man-of-war, and treated with him to deliver them some goods for their master's behalf ; but he never delivered them anything except the thirty dozens of calveskins and the baize. The rest Sir John had seized. All that he brought into this kingdom, Sir John dispossessed him of, and took into his custody and charge ; comprising his man-of-war with twenty pieces of ordnance in her, and with cloth, hides, tallow,* and such like things, worth altogether about a thousand pounds ; and the Colchester ship and her goods, worth about four thousand pounds.

Further, Nutt deposed that after he received his pardon from the vice-admiral, he never took any sugars out of the Colchester ship, or forced or beat the men out of her ; but he confessed, that, a little before he received the pardon, he did hoist ten or eleven chests and a half

* The calveskins given up and seized, as well as the tallow, were afterwards claimed as stolen property. A petition lies with the other papers in the state paper office from one Richard Holworthy, owner of a Bristol ship, desiring restitution of certain calveskins and Irish tallow, captured from his ship by Nutt, carried into Dartmouth, and delivered up to vice-admiral Eliot.

of sugar out of the said Colchester ship into his man-of-war, and did turn her men out of her ; but so soon as his pardon came in, he gave over, and the vice-admiral was not aboard when he hoisted out the sugars, neither had he encouraged or willed him so to do : but after the sugars were received into his man-of-war, the vice-admiral being then aboard her, one of the merchants did kneel to the vice-admiral to speak to him, Nutt, not to take his goods ; to whom the vice-admiral replied, you may have your ship again to get more, although you lose your goods.

The most material point of the first charge against Eliot was thus denied by Nutt himself, though he could not help alloying with a falsehood even that small grain of truth. The charges advanced by himself carried with them their own refutation ; for it would have taxed even the malice of particular members of the council to have given semblance of belief to such a monstrous accusation, as that Eliot had openly, by letter and by messenger, while at grave risks pursuing this man's capture, encouraged Nutt in the most shameless and dangerous class of his piracies, and pointed out to him profitable sources of plunder. His officer Randall,* being sworn, solemnly denied their truth. He said it was foul calumny to ascribe to the vice-admiral any such thing. He denied emphatically having been sent on any such messages, at any time, as Nutt had sworn. But for himself, he said, he had replied to questions put to him both by Nutt and his company, on occasions when he had boarded the pirate, respecting ships in the harbour of Dartmouth ; and he certainly had mentioned that one of them had received fifteen hundred pounds for freight. But he did not thereby in any way encourage a design upon any of those ships. He vehemently denied having spoken the words with any such purpose, "but only on

* Who describes himself in his deposition as "of Dartmouth in the county of Devon, merchant."

“the demand and inquiry of the said Nutt and others of “his company;” and he never in any manner had used his master’s name. Not the less, Sir Henry Marten told him at this part of his evidence, had he been guilty of a grave misconduct in talking as he did, being deputy to the vice-admiral.

Being asked as to the substance and effect of the conferences on the part of the vice-admiral, had with Nutt on the occasions when he so boarded his ship, Randall stated that he did not go until Nutt sent for him, and, then first seeing him, Nutt told him he was at that time desirous to become an honest man and to forsake those courses that he then followed, if he might come in upon his pardon; to which end Randall, having been asked to procure him conference with Sir John Eliot, rode to Plymouth to Sir John and brought him to Torbay, but Nutt would not then come ashore to Sir John, nor would Sir John go aboard to him, and so Sir John returned and went to Dartmouth, from which place he wrote to Nutt, who sent back by Sir John’s messenger (himself) an answer with a message that he should stay till next morning in Torbay for another letter from Sir John, and next day accordingly Sir John sent him back to Nutt with answer by word of mouth. What the letters of Nutt and Sir John might contain, he knew not; but the answer by word of mouth was, that Sir John was desirous to have Nutt stay where he was till he should receive some news from London; whereupon Nutt said he should ply off and on there upon the coast, but he durst not stay long for fear of foul weather and contrary winds.

Finally he was questioned as to what monies, jewels, or goods he had at any time received from Nutt, either for himself or any others; to which he replied that on the second occasion of his boarding Nutt’s man-of-war, there was put into his boat by Nutt, who was then under sail going out to sea, six packs of calveskins containing

about thirty dozen, and four pieces of single baize; which, on returning out of the man-of-war into his boat he found therein, and with which he put off and went ashore, seizing the same for the lord-admiral's use, landing them at Dartmouth-quay, making the customs men acquainted therewith, and then putting them into the vice-admiral's cellar in Dartmouth; since which time the calveskins had been delivered to the proprietors, but the baize still remained in the cellar. He again, at the close of his examination, emphatically declared that no such message, or words in any manner implying such a sense, as that "Torbay was no place for Nutt to ride in to get anything," had ever been spoken by himself, or borne to any one from Sir John Eliot.

Sir John was then put under examination. Of the leading circumstances he gave plainly and simply the account already embodied, and occasionally quoted,* in this narrative; and which his letters, written while under no suspicion of the possibility of such questions as were afterwards raised, bear out strictly in each particular. Until the interview at which he proffered the pardon, he had never seen Nutt; and excepting six packs of calveskins, laid aside at once for the lord-admiral's use, he had received from him *nothing*. By boarding Nutt's war-ship as he did, he had placed his own life in peril; and the passion exhibited by that worthy, on Sir John's remonstrating at the piracy committed since negotiation was opened with him, showed how imminent such peril had been. Indignantly Eliot declared, that so far from encouraging Nutt's wickedness in any way, he had done everything, not only of himself but through others whose testimony he challenged, to dissuade and disable him from its com-

* *Ante*, pp. 47-9. The passages in inverted commas are taken from Eliot's examination before Sir Henry Marten. By means of the several depositions before the admiralty-court, which are preserved in the state paper office, and with the help of letters and other documents also still remaining there, I have been enabled to supply, in a form which is in all respects substantially reliable and accurate, the narrative in my text.

mission. Nutt's own brother-in-law had appealed to him on the pirate's behalf, pending the first overtures from Nutt; and to him he had made it the condition of any possible favour that there should first be abandonment and restitution "of all those spoils and rapines which he "committed upon the coast."

As for having ever sent him word that Torbay was no place for him to ride in, Eliot laughed to scorn that statement. His great desire had been throughout to keep Nutt by treaty *in* Torbay. It was the special object of all the endeavours he ~~so~~ perseveringly made, that the man should not remove from the coast until there might be some means used to get him in; and the delays were in no degree attributable to himself, but to the failure of replies which he had "daily expected from the "lords of the council." This last was a home thrust; and he dealt not less effectively with the extravagant assertion of his having sent to inform Nutt of ships worth taking that had come from Spain.

Let Mr. Rooper and Mr. Dove, of Dartmouth, be sent for, said Eliot. They would prove that immediately at the time to which this ridiculous charge related, he had, through them, arranged with the masters of that very fleet of ships at Dartmouth of twenty or twenty-one sail, which had just come out of Spain, "to "surprise Nutt in Torbay; to which they agreed and "appointed with him at the first opportunity to go "out upon him; but before they could get forth, Nutt "was chased away by a Holland man-of-war."

To questions having relation to the Colchester ship, to the goods taken from Nutt, and to the amount of fine to be exacted for the pardon, Eliot answered in the same frank and decisive tone. Upon the negotiation being opened, Nutt was to give three hundred pounds for the pardon; but at the interview he agreed to give five hundred, of which due entry was made for satisfaction of the lord-admiral. Nutt had never, in his

presence, taken any chests of sugar out of his Colchester prize or forced the men out of her; but though he did not see this done by Nutt, he heard, before going on board his ship, that some chests had been moved and the men beaten out. He had himself received from Nutt, before his surrender, nothing but the six packs of calveskins that were seized by his officers for the lord-admiral's use. The fact of this seizure was notorious in Dartmouth, and formal notice of it had by his orders been immediately transmitted "to Mr. Kifte, the judge of the admiralty in those parts."

Such were the examinations taken by the chief judge of the admiralty in London, Sir Henry Marten; and it now remains to tell what course was thought not unbecoming in a chief judge of those days (and a very fair judge as times went, with certainly a favorable disposition towards Eliot), to whom it had been referred to decide upon charges against an officer of state in his own department, preferred by the lords of the privy council.

IV. JUSTICE *with* RESPECT OF PERSONS.

The examinations were taken on the 24th of July, and on the 25th Sir Henry Marten wrote to the council. According to their reference, he said, he had called before him Sir John Eliot, Captain Nutt, and a man (Mr. Richard Randall) whom Nutt avouched to have uttered, as from Sir John Eliot, certain lewd speeches importing an incitement of him to commit more piracies, upon assurance of his pardon as well for those as for the former piracies. Herewith he had sent to their lordships the answers of the three witnesses to his questioning, of which, so far as they concerned the subject propounded in their lordships' reference, he conceived the sum and substance to be—That Nutt charged Sir John to have given him such encouragement as aforesaid, both by

letter and by his messenger Randall; but Randall entirely denied any such message, or any other ill office done him by direction of Sir John; and the pretended letter of Sir John, Nutt had not been able to produce, alleging it was taken from him among other things in his chests. Randall had however confessed some words spoken by himself to Nutt's company, which in his (Sir Henry Marten's) opinion implied a very dishonest and wicked sense. Of Sir John's examination, Sir Henry simply said that he had completely and utterly denied every accusation. And so, without other remark, he most humbly submitted both them and the cause to their lordships' wisdom and censure.* He thus carefully avoided any expression of opinion as to Eliot, though it did not admit of doubt that he must have formed one; and there will afterwards appear reason for believing that he was hardly more surprised or uneasy than Eliot himself at his continued detention in the Marshalsea. He was in truth a man with much sense of justice in him, and he appears from the first to have wished that Eliot should be treated with as little harshness as might consist with the convenience of Mr. Secretary and my lords.

He had not on such easy terms, however, as at first he seems to have supposed, altogether got rid of this troublesome affair. On the 28th of July, the Duke of Buckingham's secretary, Mr. Ayleburie, a person high in his confidence, urgently wrote to secretary Conway, to inform him that Sir John Eliot, vice-admiral to my lord in Devon, had told him there were divers casualties in his charge of which he was to make account to my lord, being tied thereto by his letters patent; and that he feared lest, by reason of his forcible detention in London, my lord might suffer thorough some negligence or miscarriage of businesses in Devon. With this he could not but acquaint Mr. Secretary, in duty to my lord and

* MS. S. P. O. Sir Henry Marten to Conway. 25th July, 1623.

no otherwise; conceiving that it became him not to be silent in his master's service, when matters of that nature were in question. Which, in all humbleness, he left to Mr. Secretary's wisdom, desiring pardon for his boldness, which had no other ground but Mr. Secretary's noble and tender care of my lord's affairs; whereof, though the meanest, he had yet been a true witness from time to time.*

Well might Mr. Aylesburie say so; for "my lord," in all that pliant and submissive court, had no service more pliable than Conway's. He had been lifted into favour, now something less than two years past, by the mere fact of Buckingham pronouncing him to be "excellent company;"† and duty to "my lord" had since been the law of his being. Strong as had been his acknowledgment of Eliot's service, in Nutt's capture, before the objections interposed by the council, his interest for him since had appeared to have marvellously slackened; but the possible anger of "my lord" was a new consideration, and, replying to Mr. Aylesburie by a letter which he desired him to take to Marten, he wrote to Marten himself, and he wrote to Eliot.‡ To the judge went the great duke's man accordingly; and on the 4th of August reported to Conway that Sir Henry would immediately be ready with the further letter desired in the business of Eliot, and that Eliot had made him acquainted with what Mr. Secretary had sent to himself, which, though it gave him a notice he had never expected, he was yet much bound to his honour for. Mr. Aylesburie closed his letter by assuring Conway that his conduct declared his nobleness to my lord, and justified the high esteem in which the writer well knew that

* MS. S. P. O. Dated "Westminster," and endorsed "Mr. Aylesburie concerning Sir John Eliott."

† This, wrote Chamberlain to Carleton on the 5th October, 1622 (state paper office, MS.), with a dash at prophecy which the result showed him to have made not too confidently, "is like to make him secretary."

‡ These letters all bear date the 2nd August from "Salisbury."

his gracious master held Conway's faithful love and friendship.*

Sir Henry Marten's second letter in Eliot's business bears date that same 4th of August, and its opening intimation reveals to us, as well the character of the request which Conway had made to him, as the name of the person who in secret had been influencing all those proceedings taken by the council against Eliot that had made so vast a change in his prospects and position, since the day when his majesty's second secretary of state had eagerly and prematurely promised him the favour of kissing his sovereign's hand. This was no other than his majesty's principal secretary, Sir George Calvert, soon to avow himself a Roman-catholic and retire across the Atlantic with the title of Lord Baltimore, and for the present so busy in looking after his colony in Newfoundland as to have thought a service rendered to his interests there, by a pirate captain, atonement enough for all that pirate's atrocious crimes, and reason sufficient for setting up a confessed infamy above the fame and service of an English country gentleman of rank and esteem, himself a high officer of state.

Marten begins by acknowledging Conway's letter concerning Eliot. Already he had taken examination of the latter by order from the council-table, as well as depositions from Nutt and Sir John's deputy, copies of which he had sent to Mr. Secretary Calvert, with what seemed to him the brief effect and sum thereof. Then, after repeating what in substance he conceives this to amount to, and especially indicating Nutt's failure of proof as to any of the charges made, he goes on to say that to deliver such a conjecture or guess of the state of the cause as his honour required, would produce a long discourse, and one not necessary to the consideration of whether Sir John's present liberation might not be expedient. It was his opi-

* MS. S. P. O. Dated "from Westminster for yr Honor."

nion that he ought to be enlarged. To keep him longer in imprisonment, at this time, must of necessity be very inconvenient to his majesty's service and my lord-admiral's profits; whereas to enlarge him upon fitting cautions until my lord's return could breed little inconvenience. On the other hand the inconveniences to my lord by his longer restraint would be—

Could a judge, addressing a secretary of state in this reign, have argued a man's title to imprisonment or freedom in a fashion more appropriate, having the evidence and proofs of innocence or of guilt before him, than by showing in how far the one or the other would be convenient or inconvenient to my lord?

—The first inconvenience would be, that Sir John having under his charge, to the use of my lord, divers ships and goods to a great value, he might pretend for an excuse that in his absence they perished or were diminished. The second inconvenience was, that he and his deputy Randall being both imprisoned, all things belonging to the lord-admiral were neglected in those western parts. And the third was, that this time of the year afforded usually greatest matter of business, and required by occasions most care and attendance of my lord-admiral's officers. As for his majesty's service, that must of necessity suffer, because, by the law of this realm, the principal employments of that nature were so tied to the persons of the admiral and his lieutenant or deputies that without them they could not legally be performed by sequestrators. As for example, a sessions for the admiralty ought at this time to be kept in the Devon vice-admiralty for the execution of some of Nutt's men, who, being twenty-three in number, did so pester the prison that an infection was feared; as to which, Sir Henry continued, he was daily importuned by the magistrates of that country, who did also advise that if they should all be set at liberty they would undoubtedly do some notable mischief, and a session could not

possibly be held there without Sir John Eliot the vice-admiral—

Such severity on occasion can this considerate and impartial judge assume, that while he hesitates to declare whether Nutt should hang Eliot or Eliot should hang Nutt, he entertains no doubt of the propriety of Eliot's going down to hang Nutt's crew, whose sole crime consisted in the fact, that they had been the accomplices and agents of Nutt's far greater crime.

— Since, therefore, Sir Henry continued, in his apprehension it so much imported the service of his majesty and my lord, that Sir John Eliot should continue in the place of his government until my lord-admiral's return, and his being there in such interim could in any case do little harm "if he be cautelouslie bayled," it was to be hoped that that plan might be adopted. In the mean time (he is really too just not to add), he must do Sir John Eliot this right to say, that his bringing in of Nutt was *factum bonum* if not *bene*; for, though Nutt did solicit for his pardon, and offered thereupon to come in, yet he ceased not to pillage and commit outrage upon all the vessels he could meet and master, until the day when Sir John Eliot did gull him with the show of an exemplification of a pardon out of date. And so, with thanks to his honour for having eased his heart by the assurance that his majesty had *not* withdrawn from his judge of the admiralty his usual annual favour of two bucks, "the very conceit whereof would have done him more hurt than any bucks could do him good," he humbly takes his leave, and rests Mr. Secretary's most humbly to be commanded.*

That was on the 4th of August; and whether Mr. Secretary was likely to have given greater heed to its moving intercession for the rights of my lord, or to its unmoved intimation of the probable innocence of Sir

* MS. S. P. O. Endorsed "for y^e honour;" and, by Conway, "Sir Henrie Marten, concerning Sir John Eliott's busines."

John, it is not given to us to know ; for now his fellow secretary appears upon the scene, not scrupling to expresse under his own hand a sympathy for " that unlucky fellow Captain Nutt." The effect of Sir George Calvert's letter was to trouble the judge of the admiralty with two more questions, which may be given, with the replies, from Sir Henry's draft, still lying in the state paper office.

" I have endeavoured according to yo' command to returne you some satisfactory answeres to the questions which yo' H. yesterday propounded to me, concerning Captayne Nutt.

" *Quest.* 1. Whether Captayne Nutt did command any pyracy after S' John Ellyot had been with him and shewed him his pardon ?

" *Answer.* I doe not find he did, but untill that tyme that S' Jo. Ellyot was with him and shewed him an exemplificāon of his pardon he did daylye continue his pillaging and spoyling of all that he could meete and master, which were very many ships as I understand.

" *Q.* 2. What restitution hath been made of the ships and goodes taken by Captayne Nutt.

" *Answer.* Since he came in, the Admiralty, by direction of the L^d of his Majesties Councill, hath made restitution to the proprietors of the Colchester ship and goodes as also to the Bristow men of their goodes.

" And Nutte's man of warre and the rest of the goods by him brought into Dartmouthe doe still remaine there in sequestraōn.

" HENRY MARTEN." *

Mr. Secretary Calvert pronounced these answers of Sir Henry's to be somewhat of the driest, and thought " he might have made his certificate fuller if it had

* Endorsed by Conway, " Sir H. Marten's opinion concerning S' John Elliot's businesse, and touching Captayne Nutt the pyrate."

"pleased him, and with as good a conscience also." So difficult was it for the wariest of judges to pilot himself through those quicksands and shoals of my lord and two state secretaries. However, Sir George Calvert consoled himself by thinking that Sir Henry's cold comfort might yet suffice to give his majesty satisfaction; and went on, with a very suspicious earnestness, to protest that he was not himself to receive any direct recompense from the object of the king's grace, if such grace should be extended. In other words he was not to have any share in Nutt's well-known gains. "The poore man," he plaintively continued, "is able to doe the king service, "if he were employed; and I doe assure myselfe he doth "soe detest his former course of life as he will never "enter into it againe. I have been at charge already of "one pardon, and am contented to be at as much more "for this, if his ma^{ty} will be gratioufly pleased to graunte "it. Wherein I have no other end but to be gratefull to a "poore man that hath been ready to doe mee and my "associates courtesies in a plantacōn w^{ch} we have begunn "in Newfoundland, by defending us from others w^{ch} "perhapps in the infancy of that worck might have "done us wronge. And this is all the end and interest "I have in it; not looking for any manner of recompence from Nutt, or any friend of his whatsoever, "upon the faith I owe unto God and his majesty."* His majesty could not resist the appeal. Captain Nutt was pardoned, and Eliot was left to the lords of the council to be dealt with as they might determine.

In a letter addressed to secretary Conway from his house in Aldersgate-street, dated on the 10th August, Sir Henry Marten makes a comment on this result of the affair much too characteristic not to be given in his own words. "Right Honorable," he wrote, "I have "rec: now two lres from yo^r hono^r the latter dated the

* MS. S. P. O. Endorsed "for yourselfe;" and, by Conway, "Mr. "Sec^r. Calvert. Receipt of the copie of the award . . . Capt. Nutt's pardon."

" 8th of this, by w^{ch} I understand his Ma^{ties} resolu^{con} to
 " continue S^r John Elliott in prison grounded as upon the
 " informa^{con} of the lordes. *I am glad I did forbear to*
 " *deli^u my own opinion of the state of his cause least*
 " *phaps it might have differd somewhat. Well! I pray*
 " *God this turn not most to the disadvantage of my Lord Ad-*
 " *mirall!* In yo^r hono^r former lr^e of the 7th of this
 " moneth I receaved inclosed warrantes from his ma^{tie} for
 " a Brace of Buckes, for w^{ch} I most humbly thanke his
 " ma^{tie}, and heerin allso as for yo^r many other noble
 " favo^r acknowledge my self for e^v obliged to bee Yor
 " hono^r faithfull servant to bee commanded, HENRY
 " MARTEN." *

From which it is clear that the worthy judge of the admiralty was at least the better by two of his majesty's bucks at the close of this transaction; and it only further remains to exhibit what was felt and said by Sir John Eliot while his fortunes thus were under consideration, and with what degree of equanimity he has seen the vice-admiral of Devon weighed in the balance with that freebooter of the sea, whom secretary Calvert called the unlucky fellow Captain Nutt, but whom *he* called a plunderer and assassin.

V. IN THE MARSHALSEA PRISON.

Conway was at Salisbury when the order for Eliot's arrest was issued, and on his return Eliot addressed him in language of temperate complaint. His letter is dated from the Marshalsea in Southwark on the 29th of July. As his services in the reducement of Nutt, he wrote, had received large reward in his noble acceptance, and had been by him recommended to his majesty, he should hope now, with the same grace, to find some favour for himself who was in nothing more affectionate than to

* MS. S. P. O. Marten "to the right honble. Sir Edward Conway, " Knt, one of the principall Secretaries to his M^{tie}."

become his servant. The directions in that business which Mr. Secretary had given him, he had faithfully prosecuted; and in every point concluded so happily, that he had presumed it should have given him some satisfaction of his endeavours, whereof his honour already possessed a just account. But those endeavours had been otherwise interpreted. A suggestion had been made to the lords of the council, and thereupon he had been sent for up, and by them committed to the Marshalsea until further examination could be made. By order of the table, Sir Henry Marten was to report what he found; and, to show his diligence upon the command of the lords, that learned judge "sent for some of my officers out of the country and strictly examined both them, and myself, and others, concerning the passages of that business; but met not a circumstance which had any appearance of my miscarriage." Upon this, Eliot continues, Marten had prepared his report to satisfy the lords (he had doubtless informed Sir John that such was his intention, with what truth has already been seen); but before it was despatched, the sittings of the council were dissolved, so that nothing could be done. By that delay he was like to be continued in the Marshalsea during the whole vacation, unless his honour, to whom he was now a suitor, pleased to favour him. He assured himself that Conway's own nobleness would incline to some respect in the case, as well for the business itself, wherein he had, as vice-admiral of Devon, specially followed Mr. Secretary's command, as for the service of my lord-admiral, to whom he knew that Mr. Secretary was a friend, and whose affairs in the country, at that time committed to his vice-admiral's trust, stood very uncertainly by reason of the writer's having been hurried suddenly from thence. Besides a great charge of ships and goods, wherein my lord might sustain prejudice by his absence, there was the loss of "all new occurrences" that would have to wait for his necessary attendance.

Poor Eliot! he too is fain to use the argument for his own liberation which he knew then to carry greatest weight with the sovereign and the secretaries; and less to state his claim as of right, to which any individual in those days could set up small pretension against an order or warrant of the council, than as matter of convenience to my lord. Happily it was this, and other like experiences, that nerved him to the later struggle for guarantees of personal liberty to all his countrymen, in which though he lost his life, he obtained his fame and his immortal remembrance.

His letter concluded with a request for Conway's help. He had forwarded a petition for immediate liberation to the king; and as Mr. Secretary had been pleased already in the matter to represent his services to his majesty, would he now also, in the same, further that petition for his liberty, and give it the assistance of that power which could soon accomplish his desires? "Were I in anie thing faultie," Eliot touchingly added, "I would not dishonour your worth with the title of my patron; but beinge onlie unfortunate, I hope to find you soe noble as I shall not languishe heer." Either the judge of admiralty himself, or the duke's personal secretary, appears to have entirely mislaid Eliot as to the nature of the report sent in by Marten to the council; for he proceeds to repeat to Conway that such report had been wholly favourable to him, and that his misfortune now consisted solely in the fact that the breaking up of the sittings of the council had prevented its taking effect. He goes on to say that if the manner in which his own answers before the admiralty-court had been set down, should in any point seem to import not enough to satisfy his honour, he is confident that Sir Henry Marten would readily, upon the least command, certify all he had deposed. He should never present his honour with anything untrue, and he presumed to find such free entertainment at his noble hands that his hopes might at once receive both motion and life. He should therein become a

demonstration of Conway's virtue; and though it might exceed his own deserving, the world would have more occasion thence to celebrate Mr. Secretary's worth, which he should still admire, and in all duties be ready for his commands, wherein he was devoted his honour's thrice humble servant.*

Conway's reply undeceived the prisoner of the Marshalsea upon some points as to which he had been most confident. It informed him that other considerations were now in question besides Sir Henry Marten's report. It told him that his carriage throughout the affair had been distasteful to some of the lords, who had been able in consequence to prejudice the king by complaint against him. It also stated the interference of the other secretary, Sir George Calvert, and the offence which had been given to him by the mode of Nutt's capture.† This latter point had already, indeed, been urged against him, when first brought before the council; but he had replied to it, there, by assurance that he acted without the least knowledge that the pardon, of which he availed himself merely as an artifice, had been obtained at the intercession of a secretary of state; and the idea now presented to him in Conway's letter, of his having in all likelihood sought to cross some claim of secretary Calvert's on Nutt by substituting one of his own, appears in some sort to take him by surprise. He at once rejects and repudiates it.

It was true, then, he wrote in his rejoinder (dated from the Marshalsea on the 4th August), that, as stated before the council, the pardon was at first procured by secretary Sir George Calvert, and he might therefore "suppose himself therein crossed by me; but my ignorance may be my apology." Both to Mr. Secretary himself, and

* MS. S. P. O. Eliot "From y^e Marshalsea in Southwarke, 29th Julij 1623," to Conway; by whom it is endorsed "Sir John Eliott concerning his owne businesse."

† MS. S. P. O.

before the lords at the council-table, he had vouched his ignorance of who it was that had obtained the pardon. He had used it only as one out of date, and expressly as an artifice. He was so far from seeking by its means anything but Nutt's capture, that he imagined not of any other thought hid under it. That main end he had steadily followed; and out of the mere shadow, which he considered the pardon to be, he had derived so good a substance, that he presumed rather to merit than to displease, and did hope to receive a fair construction in all men's judgments for the same.

Conway's expressions, in the letter to which he is thus making reply, conveyed probably something not altogether pleasing to Eliot, whose present communication had in it, therefore, more of the character of a spirited and self-reliant protest than any other writing of his in the affair. "I am forrie," he said, "my actions have beene mistaken, and that my carriage, which I intended with all respect to the satisfaction and service of the state, should distaste, or give occasion to anie of the lords to informe against me to his majestie. I desir'd no more honor than to be publickly heard and censur'd by the lords, had they sate; and now, in respect of the time, I onlie seeke a cure for the delaie I am in, which will as well disease the businesse of my Lord Admirall, as my private fortunes. If I have done anie thing unworthilie, I will not wronge the justice of my soveraigne, or your noble favor, to studie an escape. Not but that I cast my selfe at his majestie's feet, and onlie desire your hand to raise me up. But, being conscious of myne owne freenes in all that can be alleadgd, I dare not wave my justification. That were to charge it with the implicate confession of a guilt, wherein I humbly praie to bee excused."

In a tone and style not less spirited than this exordium, Eliot then adverts to the charges which already he had met, before the council and in his subsequent examination.

"At the council-table," he says, "two things were objected. One, a securitie I had taken from the piratt *to my Lord Admirall's use* for five hundred pounds. The other, a receipt of certaine goods from him before his cominge in. Both theſe I acknowledg'd; and, as I conceive, they are the proper duties of my place. For the goods, which were but of ſmall value, I did not onlie take them, but would gladlie have gotten all the reſt he had by any treatie, whileſt I was uncertaine of his cominge in, that they might be p~ſerved for the owners. And this I did, not ſecretlie to aſſume in private an intereſt to myſelfe, but ſeizing them to the uſe of my Lo. Admirall and the proprietors; for whom they were ſafelie kept, and have been ſince reſtor'd by order from the lords."

A ſenſe of indignant truthfullneſs ran through the whole of this letter. The facts were ſtated ſimply, and with manly aſſertion of the only legitimate intention or conſtruction they could poſſibly bear, in the ſight of men of honour. The ſole queſtion that could have been raiſed had relation to the five hundred pounds fine exacted, but in the ſecurity it was expreſſly named that this was for the lord-admiral's uſe; and Eliot now reminded Conway of the intimation which he had himſelf in diſtinct terms conveyed, that Nutt was believed to be rich. For the ſecurity, therefore, he continues, "my acte I thinke as lawfull; not tending to the prejudice of anie man, but to draw that benefitt to my Lo. Admirall from the pirat if he had laid up anie treaſure in ſorraigne parts; wherein, I hope, your honor will not thinke me an ill ſervante."

The moſt remarkable part of the letter, however, was that which had reference to the perſonal accuſations brought by Nutt againſt him. Here Eliot throws off all reſerve; and, with a full knowledge of the friends whom the man had obtained, and of the ſtrength of the influence which yet might be brought againſt himſelf,

he denounces this client and protégé of the king's chief secretary of state, as a malicious assassin. "I have been since," he writes, "upon the reference, interrogated of other points which the pirat had suggested for abetting him in his villanies, wherein, as I am free in myne owne knowledge, the examinations and circumstances will I hope likewise acquitt me to the world. Of myself I spake not with him, nor ever sawe him before my goeing aboard him with the exemplification of his pardon, upon which he submitted and came in. I neither by letter, or message, 'changed a fillable with him to that purpose, nor had foe fowle a thought. This, as I have dilated in my answers, I am readie to averr upon oath; and cannot foe much yet undervalue my integritie, to doubt that the words of a malicious assaffine now standing for his life, shall have reputation equall to the creditt of a gentleman. *In him* I wonder not to finde that baseness, havinge in all things profest himself a villaine, and stained his countrie with barbarismes unheard of! Seeinge himself train'd in by me, upon the color of a pardon which was out of date and of noe force, and sent up hither with a true relation of his deeds, that he might be hang'd, malice, without an instigator, were enough to put him upon this revenge!"* But if he had wanted other instigation, doubtless it was at his service. Mr. Secretary Conway must have been somewhat startled at this plain-speaking. The dauntless and unyielding spirit which made Eliot afterwards illustrious in the Tower, above all the men whose greatness and courage redeemed the servility of the time, shone through every line of this protest from his prison of the Marshalsea.

At the close of his letter he made allusion to the danger he had undergone in the service that had been so

* MS. S. P. O. Eliot to Conway. 4th August 1623. A small brilliant seal of red wax is still attached to this letter, of which the subject is a figure recumbent under a tree, with the legend "TVTUS IN VMBRA."

undervalued. He besought his honour to give him leave to point at the danger he adventured for that service, in going aboard the war-ship of a man of that character; for, had either Nutt, or any of his crew, discovered the intended artifice, he could neither have expected the success that followed to the public good, nor himself to have returned with life. Having weighed or estimated, therefore, no hazard therein, if he had not otherwise deserved ill he should hope to find protection. If he failed not much, the original cause of the distaste conceived against him was his diligence in making available the exemplification of the pardon; but he was anxious to learn the terms of the complaint against him. He had been bold to enlarge himself in that discourse to his honour. The assurance he had of his favour continued, and he should render humble thanks if his honour would vouchsafe him intelligence of the complaint against him. He believed it to have been made upon the suggestion of Nutt, before he had himself been heard or examined, and that the examinations must have given satisfaction respecting it. Wherein his innocence made him so confident, that he should still hope to retain his honour's favour and to be thought worthy the title of his most humble servant.

On receiving this letter Conway could not longer resist making a final effort for Eliot. He obtained a sitting of the council, and told him to hold himself in readiness to appear before them: but again Calvert proved too strong for both. He forced such business before the table, that to call or hear Sir John was impossible; and, that occasion being lost, and Nutt still permitted to stand as accuser as well as criminal, Calvert had the less difficulty in getting the king's signature to his pardon: though he remained in custody still, under the same reference of the council by which Eliot had been committed. In communicating to the latter the attempts he had made on his behalf, Conway appears now to have

expressed himself with unusual strength and warmth in Eliot's favour, upon every point at issue in the transaction. He had probably a wholesome fear of "my lord," operating with such other leaning as he might personally have to the vice-admiral; but, out of whatever motive he had written, his letter was precisely of the kind to touch a generous heart. Eliot's resentments were at once flung down, and he desired that Mr. Secretary should feel only the grateful sense he had inspired. These two contrasted letters of Sir John, following each other so closely, are singularly and happily characteristic of a strong, warm, high-spirited, yet tender nature.

As all courtesies, he wrote (this letter bears date the 18th of August), were measured from their own centre, and by direct laws were drawn to more or less according to the quality and greatness of the doer, so was the debt by like distances enlarged. That consideration made the writer's oweings infinite to his honour, who had descended to the respect of one so far beneath his worth. It could not but be acknowledged noble in him, however the unworthiness of its object might oppose the effect. He confessed himself, looking back upon his troubled life, an unapt subject for any favour. It seemed as though he had it cast in his fortunes to be unhappy, since from them so many difficulties were reflected on his best hopes that his desires were become troublesome. Sorry had he been, of late, to be an occasion to his honour of some disturbance, in the thought of those businesses which concerned him. He could not merit such great grace; but if his honour pleased to pardon him, he should give his whole endeavours for a recompense. Though these might not satisfy, they should be directed truly to serve him, and he would esteem them only as they should express his thankfulness. He had acted on Mr. Secretary's direction. He had prepared himself to move the lords for his discharge, and had the opportunity for their meeting which gave him hope; but some other business

intervenient, which suffered him not either to be called or heard, prevented all. In these bad successes he must now submit to a long expectation, shadowing his innocence under the protection of his honour's judgment; in which he was confident of a fair opinion. "Against all crosses," he concluded, with a quiet manly resignation, "I have that comfort, to be therein both rightlie knowen and understood. My sufferance will be little in restraint, my reputation being free. In that, though I cannot suddainlie satisfie the whole world, having your hoñrable approbation I am safe. Soe much now I crave, for which I sue to kifs your honor's hand; and that I may have leave to be entitled as I am vowed your honor's thrice humble servante J. ELIOT."*

It is clear from this letter that Eliot had resigned himself to a long imprisonment. Its exact duration does not appear, but he was certainly in custody at the end of September. That is the date of a petition from Nutt to the council which winds up the affair with much appropriateness. The pirate is still under charge of one of their messengers; but the same favour to which he owes his pardon, of which he speaks with becoming pride, has also obtained him a grant of a hundred pounds out of his ship and goods seized by the vice-admiral of Devon. Their lordships, that is, have granted, but the vice-admiral won't pay. "Soe," complains this good man, "it is, may it please your good lo^{ps}, that S^r John Elyott, being by the Judge of the Admiraltie required (in regard the goods were in his handes) to performe your lo^{ps} said order, answereth that he cannot unles he may have libertie to go into the country. It was tould him that was noe excuse; he might send to his deputie. He answered he would not. Then the

* MS. S. P. O. Eliot to Conway. 18th August, 1623. The subjoined memorandum is on the back. "Hartford Bridg. past X a'clock. "Rec. at Basinge Stoake at 1 afternoone."

"messenger (in whose custody your petitioner is) offered him that he would take up a 100*l.* here in London if he would give securitie to paie it at Exeter to Alderman Provis in some reasonable tyme. But he answered he would not; saying the lordes might keepe him here 7 yeares, for ought he knew; and that "yo' lo^{ps}" said order did nothing concerne him! Neither would he deliver any goods unles it were taken from him by comission. So that y' lo^{ps} order is verie much slighted, and nothing at all regarded."*

That is the last glimpse we have of a connection which for the time, by so strange a chance, linked the fortunes of a man so famous to those of one so infamous; and it is satisfactory to observe that Sir John's spirit has risen, rather than flagged, with his prolonged imprisonment. It may have proved to be a trial of his powers of endurance, not inopportune, which was to fit him for much that afterwards awaited him. When, in exactly nine years from this time, he was dying in another prison, "low in body, yet as high and lofty in mind as ever," one of the news-letter men was writing to Lord Brooke that Captain Plumleigh had been sent to the Irish coast with one of the ships royal, and two whelps, to seek out Nutt the pirate, but was met by him and twenty-seven Turks who gave him chase, and had the captain not hied him the faster into harbour, might have sunk or taken him.† With great propriety had the successful villain repaid during those nine years, by a series of such humiliations as this, the royal favour and state protection which alone saved him from the gallows Eliot had built for him. He had become, at length, incomparably the greatest nuisance in his majesty's dominions. Nothing on the

* MS. S. P. O. Addressed "to the Right Honorable the Lordes and others of his Ma^{ties} most honorable Privy Counsell."

† Pory to Lord Brooke. MS. S. P. O. 25th October 1632. The same letter contains the mention, hereafter to be quoted, of Sir John Eliot dying of consumption in the Tower.

fees was safe from him, and he struck at the highest quarry. Immediately after that Plumleigh adventure, upon Lord Wentworth sending over to Ireland a shipful of luggage, furniture, wardrobe, and plate, for his due equipment as lord-deputy, Nutt made prize of the whole; and there is no reason to believe that he would less have enjoyed this capture, if he happened to remember that Wentworth was very intimate friend to his own old friend and patron, ex-secretary Sir George Calvert.

How long Eliot lingered, then, in the prison of the Marshalsea, is not known to us. Whether or not the first week in October, which witnessed Buckingham's return from Spain, and found his vice-admiral still in prison, may be assumed to be also the date of Eliot's release, it is impossible to say. It is only certain that he was a free man, and canvassing for a seat in parliament, the following month. With what feeling the lord-admiral viewed this long and monstrous imprisonment of his own officer and representative, for gallantly protecting the subject and spiritedly enforcing the laws against a man who had passed his life in plundering and outraging both; and whether Eliot's liberation was even at last attributable in any direct way to himself; no one has cared to record for us. For a brief space after the return from Madrid of the Prince and Buckingham, without the Infanta, everything else was whirled away and forgotten in the sense of deliverance from Spain. Nothing was audible but the shout of popular welcome for the prince and the favourite. "They came to London on "Monday 6th October," writes Laud in his Diary, "and the greatest expression of joy by all sorts of people "that ever I saw." Perhaps Eliot himself thought nothing for the moment of his wrongs.

To no man, even in that age, could the promise of hostility with Spain have come with more glad and eager welcome than to Eliot. We have seen what his earliest impressions on this head are likely to have been, and we

know what were his later and settled convictions. It is little to say that he had never forgotten or forgiven the death of Raleigh. It was his cardinal point of faith in public affairs that the Spanish power represented on this earth the evil principle in politics and in religion. But before the time (now imminent) arrives, wherein his quick and ardent spirit will be seen as resolute against evil in the council of the nation as heretofore against its champions on a narrower stage, some remark may properly be interposed on the out-look of affairs at home and abroad at this extraordinary period in England.

Matters of general history or character are necessarily here to be avoided, except so far as may be needed for illustration of individual conduct, or of particular questions calling forth its distinctive energies; but it not more belongs to my design that the true weight and purpose should be given to individual character by showing its relations to history, than that light and life should be carried into history by particular details of character.

BOOK THIRD.

KING JAMES'S LAST TWO PARLIAMENTS.

1620-1—1623-4. ÆT. 30—34.

- I. The Meeting in 1620.*
- II. Protest of the Commons of England.*
- III. Spanish Match and Journey.*
- IV. Calumny.*
- V. Preparation for the Meeting in 1623.*
- VI. Member for Newport.*
- VII. Prorogation and Dissolution.*

I. THE MEETING IN 1620.



SO momentous a time as that at which the parliament of 1620-1 had met, now something more than two years since, had not been known in England. Only eight years were passed since the youthful German prince, Elector Palgraf, Count Palatine of the upper and lower Palatinates, carried back to Heidelberg and Munich his newly-wedded princess, the eldest daughter of England: but events had filled those years such as make and unmake kingdoms, and settle for generations the destiny of the human race. Protestant Bohemia had risen against her Roman-catholic emperor; the young Count Palatine, not waiting for his father-in-law's sanction, had accepted the crown offered him by the States; and, after six months' possession of an uneasy throne, was now a wanderer, stripped of his Palatinate as well as of his crown.

England, filled with hearts throbbing to assist him, had been left fretting in vain and unsatisfied desire; until at length even James was shamed out of his indifference, and, hastily summoning that parliament of 1620-1, seemed to promise the more active interference to which all that was devout and brave in the kingdom would have urged and impelled the king.

When the news reached England of the offer, and before the elector's acceptance, of the Bohemian crown, there was one councillor of James whose advice, if taken, might have saved his dynasty. Archbishop Abbot,* attacked by gout, and unable to attend the board, sent by letter to the secretary of state his opinion that the Palsgraf should accept, that England should support him openly, and that, as soon as news of his coronation should arrive, the bells should be rung, guns fired, and bonfires made, to let all Europe know that such was the determination. "Methinks I foresee in this," said the pious prelate, "the work of God, that by degrees the "kings of the earth shall leave the whore to desolation." Doctor Lingard makes merry with the phrase; but what the brave old man went on to say, is what wiser historians than Lingard, writing after better use of the experience of two centuries, have seen to be verily and simply true. Out of the opportunities then lost issued directly the Thirty Years' War. James's son-in-law required only hearty support, in that critical hour, to have maintained

* No better witness to character is borne in history than that which this brave old primate draws from the instinctive dislike that existed ever between him and the man who was to succeed him in his great office. "1610. The "Lord Chancellor Elsmere's complaint against me to the king at Xmas. "He was incited against me by Dr. Abbot, Lord Archbishop of Canterbury "elect." *Diary of Laud*—who was at that time slowly but surely creeping up, by help of Carr, into the power and favour which Villiers confirmed and extended to him. It was not in the open and courageous temper of Abbot to be tolerant of a nature so opposed to his own, and it is, I repeat, among the worthiest tributes to his character that the favourite of the two court favourites, Somerset and Buckingham, always knew him for his enemy. "1611. The Archbishop of Canterbury was the original cause of all my "troubles." *Diary*.

his crown, to have broken the power of the house of Austria in Eastern Europe, and to have barred the progress of Roman-catholicism for ever.* Our striking in, continued the wise archbishop, "will comfort the Bohe-
"mians, and bring in the Dutch and Dane, and Hun-
"gary will run the same fortune. As for money and
"means, let us trust God and the Parliament, as the
"old and honorable way of raising money. This from
"my bed, September 12th, 1619; and when I can stand,
"I will do better service."†

Alas for the poor old king, not capable of service so noble; who thought it pestilent heresy against divine-right doctrine, that subjects should depose their sovereign for a difference in religion; and from whom all the enthusiasm of his people could only win grudging consent to the dispatch of a volunteer force of four or five thousand men, which he left exposed and unsupported to the attack of overwhelming numbers. He would not acknowledge the kingship of the elector, or permit intervention, even then, except solely for protection of the Palatinate; and while the bravest youths of the first English families were flinging away their lives in the quarrel so ardently embraced, fighting against fearful odds in both Palatinates, the foolish king was hugging himself with delight over his dearly-loved Spanish match, which was to bring priceless bags of gold into the royal treasury, and Gondomar, secretly instructed against the match, and incomparably the ablest as he was the most unscrupulous diplomatist of the time, was egregiously out-witting him.

Never had the Stuarts any other such chance as of leading that army of the Protestant Union. It was the tide in their affairs they then missed for ever, and only shallows and shipwreck remained for them. While they

* These are almost the very words employed by Ranke (*Hist. of the Popes*).

† *Cabala* i. 12. Neal's *Hist. of Puritans*, ii. 108, ed. 1822.

were going one way, the people they would have governed were going the exact opposite way, and soon or late the breach could not but be irreparable. But as yet there was hope; and the people were eager for any chance to retrieve the losses lately undergone. The king himself had not been able to see unmoved his daughter and her husband driven as beggars from their homes, and he would certainly have got them back the Palatinate if coaxing or wheedling might have done it. He tried embassies; he tried grants of money; and with such willingness had all men contributed to even a hateful benevolence having that for its excuse, that he resolved finally to try a parliament. A shout of pleasure rose at that intelligence, and excitement and expectation were universal. Strangers crowded up to London, the streets became thronged with people, and the belief everywhere prevailed that a blow was yet to be struck for the good cause.

Simonds D'Ewes, a shrewd, observant, quick-eyed youth of eighteen, was among that "greatest concourse" and throng of people that hath been seen," which, on a day of ill omen to the Stuart race, Tuesday the 30th January 1620-1, saw this parliament opened. He saw the king, amid magnificent attendance, ride down to the abbey, and observed him, as all the great ladies thronged the windows on his way, single out for recognition only the mother and wife of Buckingham. He saw him nodding particularly to the Spanish ambassador Gondomar; and heard him, contrary to his usual wont of bidding a "pox" or a "plague" seize such as flocked to see him, crying out a "God bless ye! God bless ye!" to the crowds standing thick and threefold on all sides.* He had probably never seen the English people with such expression as they carried on their faces then. Sympathy and hope were there. There had not been a parliament

* *D'Ewes's Autobiography* ii. 215.

for nigh seven years, and what but a parliament could effectually help those brave Protestant hearts over the sea?

Alas that such promise bore not its proper fruit! Nevertheless this convention, assembled amid cries of eager hope and gladness unheard in England since the great queen's time, succeeded in achieving results that made it memorable to succeeding generations, though it transacted not the special work which it most desired to have done. It sat from the opening of February until nearly the close of May, and never before had the voice of the English people been made so audible to everyone, so terrible to many. To the hopes of the nation it had so far been able to respond as to give visible form and pressure to the national grievances and complaints. It had made itself, indeed, the Grand Inquest of England. Its subsidies could not save the Palatinate. In that direction it was powerless but by entreaty and prayer. But nothing that was fairly within its reach had been dropped from its enquiry; and, during the four months passed since it met, an intolerable weight of oppression and fraud had been lifted from the land. Trade had been released, justice purified, and the right to make offenders against the public responsible by impeachment rescued from the sleep of centuries. Hardly surprising was it, therefore, that notwithstanding the one great disappointment, the still surviving hope and irrepressible desire of the people should have made itself felt on the day of its adjournment, almost as vividly as at the day of its meeting.

On the previous morning the king had received from both houses reasons of urgency for preventing all export of ordnance from the kingdom until their reassembling, and for giving free liberty of trade at the outports; on which latter subject, as the commons were now about to separate, some further question arose, and several members had taken

occasion sharply to denounce abuses at the outports connected with the farming of customs; when Sir James Perrot rose.* The house had been very anxious, he said, about his majesty's customs, and provision for the farming thereof at the various ports; but One other port there was, not named, to which all must look as their surest resting-place when the merchandise, trade, and traffic of this life should have an end, and for that it was more needful that provision should be made. Let them remember the maintenance of true religion. (Interrupted for a time by the agitation on all sides visibly increasing, the speaker paused and then resumed.) He pointed out the desperate condition of affairs abroad; he referred to the king's princely and pious protestation at the opening of parliament; and he besought the house that in God's cause and that of his majesty's children they would declare themselves ready, on their return to that place, to adventure their lives and estates, all that belonged to them or wherein they took interest, for maintenance of that sacred cause and of his majesty's royal issue. Let them place such a declaration on record. Let each man be bound by solemn obligation to the performance of that promise. So would they discharge their duty to Heaven, facilitate the treaties his majesty had in hand with foreign princes concerning this cause, and peradventure enable their king to relieve the distressed, to rescue religion, to recover the patrimony of his daughter's children, and to perform his own princely promises. "Much joy was there at these words," says the old reporter, "and a general consent;" where-

* He was the son of Elizabeth's Irish Deputy, and had inherited the capacity and energy of his father. Let me here at once remark that the parliamentary speeches to be quoted in this and the next following section are drawn from a careful collation of journals, printed and in MS., with that most full and interesting report, by a member of the house, published at Oxford in 1766 from the original MS. in the library of Queen's-college, and contained in the two volumes entitled *Proceedings and Debates of the House of Commons in 1620 and 1621.* (Clarendon Press.)

upon Sir Robert Philips rose to second them with words yet more bold and plain. Treaties or no treaties, he said, let them declare that if his majesty should not, by peace, obtain recovery of the Palatinate, and a settlement of true religion, at that hour so shaken, they all would undertake, on behalf of the several shires and places they served for, to adventure in that enterprise their fortunes, their estates, their lives ! As Philips resumed his seat, the excitement had risen to an extraordinary pitch ; and it was amid " a general acclamation and waving of hats " that Sir Thomas Wentworth, the member for Yorkshire, rose to speak after him.

Even at that supreme moment of national fervour and religious aspiration (" I hope," Philips had taken occasion to say, " every man of us hath prayed for direction " before coming hither this morning ! ") the thought of Wentworth, supposed at this time by all the historians to have been solely for the people, was entirely and exclusively for the king. " He moveth Mr. Speaker " with the whole house may present such declaration to " the king's majesty, and leave it with him as a testimony " of their duty." No, the house would not have it so. Not as a testimony of duty to the king, but as a pledge solemnly interchanged with each other, and entailing every personal sacrifice needful for the national religion and the national honour, the declaration should stand on record in their clerk's book until the time came to redeem it, and each member should transcribe therefrom a copy for his own use. Whether or not it could be made grateful to his majesty, was not then to be discussed ; but hardly any pains was taken to suppress the hope that it might coerce him ultimately into war. " Rather this Declaration," cried Sir Edward Cecil and Sir Nathaniel Rich, as, after entry into the clerk's book, in befitting and noble language, it was read aloud by the Speaker, " rather this Declaration, than ten thousand " men already on the march ! "

So grandly, to the end, passed away that very memorable sitting of parliament. "Joy and consent," says the old reporter, "sounded forth with the voices of "them all, withal lifting their hats in their hands, as "high as they could hold them, as a visible testimony of "their unanimous consent, in such sort that the like had "scarce ever been seen in parliament." Nothing then remained but that the Speaker should pronounce the adjournment, when Sir Edward Coke arose, and desiring the house to say after him, recited the Gunpowder-plot thanksgiving. Tears were in the old man's eyes, remarks a member who was present, as several hundred voices blended with him in the solemn utterance of thanks to Almighty God for that in all ages He had shown His power and mercy in the miraculous and gracious deliverance of His church, and in the protection of righteous and religious kings and states professing His holy and eternal truth, from the wicked conspiracies and malicious practices of all the enemies thereof.

Across the gulf of two hundred and forty years we can still hear that prayer from the English commons, representatives of the people their constituencies, but also servants of God their creator; and we can understand what tremendous significance the fact carried with it for all who could read it truly.

Unhappily for the English court, as it then was, the fact possessed no significance; and when, after a recess of five months, parliament met again, the king and his ministers were as far as ever from bravely asking the people's representatives to redeem that solemn pledge of the 4th of June to which subsequent events had given even additional impressiveness. The engagement to which practically the commons had bound themselves, was, that if the king's nostrum for peacefully recovering the Palatinate should fail, they would cheerfully, on re-assembling, give their lives and fortunes for that cause, and in a war for the true religion. But, alas! now that

they were again met, his majesty had only to tell them that, all his bargaining by treaty having failed, he was yet as much as ever indisposed to draw the sword.

And what, meanwhile, were the events that had filled England more and more with indignation and sorrow? The upper Palatinate had been conquered and seized by Spinola; and, in the lower Palatinate, still overrun by his Spanish wolves, only the hasty levies of one of the free lances of Germany, Count Ernest Mansfeldt, had saved from annihilation the small and gallant band of Englishmen who volunteered to its defence under Sir Horace Vere. In Heidelberg, in Manheim, in Frankenthal, since the commons separated on that 4th of June, the noblest English youths* had stood at bay against overwhelming numbers, and the succour promised them had not been sent. With war on all sides raging, nobody had talked of peace but the English ambassadors, who had become the laughing-stock of Europe.† The very union of the German princes, as the poor unfortunate Palsgraf could not but reproach his father-in-law, had been relaxed and weakened by the lukewarmness of the English

* Sir Thomas (afterwards Lord) Fairfax, of Denton, grandfather of the parliamentary general, had two sons, William and John, slain in this siege. Henry Lord Clifford, Wentworth's brother-in-law (afterwards Earl of Cumberland), saw them die, and told their father that it was not until "they had scorned to accept of the enemy's offer of safety, if they would yield themselves prisoners." Another passage of his letter is striking. "The brave fallies out of Frankenthal were so often made with success by them, as I think it is impossible for time to survive the honourable memory of them, as for tears to restore again to life the noble executioners of them; for (with the loss of fourscore of our men) there were slain above two thousand of the bravest Spaniards which Spinola left behind him in the Palatinate."

† In Flanders they presented in their comedies messengers bringing news that England was ready to send a hundred thousand *ambassadors* to the assistance of the Palatinate. They depicted the king in one place with a scabbard without a sword; in another place, with a sword that nobody could draw, though divers persons stood pulling at it. In Brussels they painted him with his empty pockets hanging out, and his purse turned upside down. In Antwerp the Queen of Bohemia figured as a poor Irish "mantler," with her hair hanging about her ears and her child at her back, her father carrying the cradle after her.

king; and now matters were arrived at such a pass, that, as Lord Digby told both houses, "his majesty *must* "either abandon his children, or begin and wage war." His majesty nevertheless still ingeminated peace, even in his very speeches for supply. Give me, he said, so much for the aid of Mansfeldt to enable him to stand his ground in the Palatinate; and so much more for another effort, by treaty, to avoid a religious war. The answer of the commons to both points gave back no uncertain found.

With what followed in detail, however, I have only concern here, in so far as it exhibits the just detestation of the English people at any intimate alliance with Spain, and explains the ecstasy of infinite relief with which they saw such a project abandoned.

The keynote of the tone taken on the request for supply was struck by Sir Dudley Digges, who had lately added to his other accomplishments some foreign experiences, and was now, with opinions yet indecisive and doubting, lending his undoubted abilities to the country side. He was for a supply to maintain such hold as was yet retained over the lower Palatinate, but with no hope of other good except from a war of diversion, and no desire to contribute further unless for that express design. After him rose Sir Benjamin Rudyard, who, though connected with the court by his office in the Wards, and earnest for a present supply, spoke still more hotly for religion "battered "abroad and mouldering here at home;" which would no more, he said, be helped by treaties, but only by that which none there valued his soul at so low a price as to refuse to give, fortune and life to maintain a war. Then came Sir Miles Fleetwood, for immediate help to the lower Palatinate, and for giving all that the king required; but to him succeeded Sir James Perrot, who, claiming especially to be heard as having first moved the matter whereupon their declaration of June was made, declared his readiness to vote any amount of supply

upon two conditions : of which the first was, that "what we give, to have it disposed to the end for which given;" and the second, that no end should content them which stopped short of war. He entered into some curious details. He would have them think what position they were in. Their religion called for help, and such help they could render. The country was poor, but the kingdom was rich. The East India company had nigh two millions in bank in London, and the usurers of the city had at least more than a million. Trade was languishing, and the common people were lying under grievous burdens ; but not the less in that great town was money extravagantly squandered, and it seemed as though the nobility and gentry resorted thither to spend their estates on jewels and clothes, on toys and luxury. What would go far to the annual cost of a reasonable armed force, upwards of a hundred thousand pounds, was yearly spent in tobacco. He would have such a subsidy as might restrain that waste, without obstructing commerce ; and, at once providing laws to secure themselves against papists at home, he would have them let loose war against popery abroad. Heretofore they had done many noble actions. They had vanquished France, they had supported the Netherlands, they had supplanted Wales, they had affronted and resisted Spain ; and not to show themselves now for defence of religion and recovery of the Palatinate, would be a dishonour to their history and fame.

Amid the excitement created by this speech Sir Edward Sackville rose. He was a man whom all regarded with interest. Supreme in beauty of person and seductiveness of manner, grandson to queen Elizabeth's Sackville of Buckhurst, he was one who had travelled and fought in many lands, and the same who had that desperate duel, seven years ago, with young Lord Bruce of Kinlofs in the wet green meadows between Antwerp and Bergen ap Zoom. Since June he had been himself in

the Palatinate, had talked with Mansfeldt and Vere, and could say, without suspicion of court dislikes or puritan prepossessions, how matters were faring there. Very brief, but striking, was the language he employed. The passing-bell, he said, was now tolling for religion: but as for one dying, not yet dead. Hope for recovery existing still, let them but consider only of two things, what to do, and what *not* to talk about. Let them vote supply; less than the Lord Treasurer had asked, but enough for the safety of the troops of Vere and Mansfeldt; and let them discourse of nothing else till that was effected.

These short sentences, ringing solemnly out upon the house like the passing-bell they spoke of, had produced an effect of which the great speaker who followed knew how to avail himself. Sir Robert Philips was against any present subsidy. Let them raise the needful supply for the Palatinate by other means, and delay further subsidy till they should meet again as promised. Could the house doubt, after what they heard, wherein they had most suffered? Reputation and honour were great advancers of great designs, and he doubted if any honour remained to their nation abroad. God added a crown to the crown of England. God took it away. The crown might have been kept on the Palatine's head with as good right as other Christian kings enjoyed their crowns by, and with as little cost as it would now take to keep what remained of their own in the Palatinate. In a war for religion lay their only safety. He saw not what was to be done by war for the Palatinate alone. And let them in any case first secure themselves at home. There could be no security while the papists, only half subjects of the crown, increased so much in numbers and confidence. Spain had their hearts, and how could they be loyal subjects? Let the house be warned. They had grown insolent, and disputed of their religion boldly, and talked of the Protestant *faction*! Let timely

means be taken to avert this great danger, not leaving it to the chances of a late improvident repentance. Let them, by contribution, supply enough to maintain Mansfeldt and Vere ; and at their next meeting, by all needful subsidies, let them prepare for a thorough war. Yes, cried Sir Edward Giles, Eliot's countryman and friend, taking up the note at the pitch whereto the last great speaker had raised it ; yes, and to make a thorough war we must do as the great queen did, not only defend but enrich ourselves. Elizabeth fought the Spaniard at home, and found out his Indies. Do you the like. Guard, too, against popery among yourselves, for now it is brave and daring everywhere ; and attempt no more by treaty, unless with drawn swords in your hands !

In the same bold outspoken strain, taking up the argument of Philips, and producing scarcely less effect, succeeded the wise and honest lawyer Crewe. He was against any present giving. Before even declaring himself for war, he desired first to know against whom they were to fight ; and he was not for fighting with a treaty in one hand and a sword in the other. Ever was more lost by the treaty than was gained by the sword. Let them not give now, but first know their enemy. He warned them that if they did not bend their forces against *the Spaniard*, nothing would be gained. It was he who supplied the means for the war now raging ; it was he from whom all evil counsel had come ; it was his encouragement that made popery in England so common and so bold. They must give good laws before they imposed fresh burdens, and they must protect themselves against domestic as well as foreign foes. There could be no halting between two religions. Let the kingdom be cleared of jesuits. Let the only walls built around them be their ships. Let them but have hope their prince would be matched to one of their own religion. Then let them give willingly and largely, *celeri et plenâ manu !*

II. PROTEST OF THE COMMONS OF ENGLAND.

The madness of the court in persisting, against such a spirit as this in the leaders of the nation, with the scheme for intermarriage of the prince of Wales with the Spanish infanta, seems almost incredible. Though it had long been rumoured and talked about, no one out of the court believed it to be possible. But nothing could move the king from what he conceived to be his masterpiece of kingcraft, to outwit France by so powerful an alliance, to get back the Palatinate without a war, and so to fill his treasury with the dollars and doubloons of Spain, so to gather up some part of her accumulations of Western ore and of Eastern spices, as to have no more need of a parliament at Westminster for many a day! Thus, while yet the commons were discussing conditions and amount of supply, the long talked-of and universally discredited match had come again in question, and the allusion of Crewe supplied all that was needed to set the house aflame.

The very spectacle of power and greatness at this time presented by Spain, and which had dazed and bewildered the poor old English king, was precisely the secret of the resistance made to her, and to the principle of evil she was believed to represent, by the brave and gallant men who represented the English people. The people themselves still remembered for whom their favourite Raleigh had been sacrificed, and still awfully regarded her power as the source of every possible disaster. Though the great queen had dealt her some heavy blows, and foreign conquest had begun to make ravage upon her both westward and eastward, she was still the empire largest in extent, and apparently exhaustless in wealth, existing on the earth. The more need there was that the truth should be told of her, and that it should be admitted plainly who it was that occupied

that throne, outshining indeed the wealth of Ormuz or of Ind, but associated with as much arrogance, sin, persecution, and darkness, as had ever made war against the Most High.

When the king's secretary, Calvert, backed by his colleague in the representation of Yorkshire, Sir Thomas Wentworth, had done all that seemed possible to allay the storm, Sir Edward Coke arose. His breach with the court was at this time complete, and his service to the commons had won for him, during the recess, a prosecution instigated and supported by the party of the favourite. After broadly avowing himself of the opinion of Sir Robert Philips, that more should be known before anything was given, he proceeded to launch out into a series of the most fierce invectives against Spain. He detailed her cruelties and her treacheries, her secret conspiracies and assassinations, her incurable falsehood and bad faith. It was Spain who had prompted a long succession of attempts on the life of their great Elizabeth; who sent Lopez, a Spaniard, to read to her in philosophy, and to poison her while he read; who bribed servants in her stables to place poison on the pommel of her saddle, so that, laying her hand thereon, she might perish; and who, thirty-three years ago, while her commissioners were in Madrid treating of peace, sent hither the Grand Armada. Could anything good come out of that land? Was not the first rot, or scab, that came among English sheep, brought by one out of Spain; and did not of all diseases the most loathsome come first out of Naples, one of the dominions of the Spanish king? Let them take timely warning, then, that never came there hither anything from Spain that did not either damage us or endeavour it!

So spoke the resolute old lawyer, accessible no longer to either hope or fear; and his speech, of which these are but the most distant hints, was long and bitterly remembered. There was hardly a man in the house, ex-

cluding the ministers and their friends, among whom must be reckoned Wentworth, whose heart did not leap to that scathing denunciation of the powerful enemy of his country and his faith. Never yet had been levelled so daring an assault on the darling project of the king; and in the temper excited by it, Philips rose and carried a proposal to refer the whole subject of supply to committee, which should be instructed to include in their report as well religion as supply. A general shout of assent arose. So we did in the great queen's time. So, in 27th Elizabeth, when the sovereignty of the Low Countries was offered her, we debated it in committee. So, when the Low Countries asked for aid, it was debated here. It is good to follow ancient precedents in such weighty causes and businesses. Thus therefore it was determined; and two days had not passed when the committee brought in their report.

It was read amid great excitement. It declared the recent dangerous increase of popery in the kingdom, and its causes; it set forth the objects of the Pope and of his dearest son, the King of Spain, as in the one case a spiritual supremacy, and in the other a temporal monarchy, over the whole of the earth; it described these two powers, nevertheless, as claiming and obtaining the allegiance of Roman-catholics in England; it pointed out the hopes that had been raised upon the disasters of the Palatinate, and the uses made of them; and it asserted that the English Roman-catholic party, so encouraged, and further exulting in the report of an intended marriage between the prince of Wales and the Spanish infanta, were now resorting in crowds to mass in the chapels of foreign ambassadors, were sending their children to foreign parts to be educated in a faith alien to that of England, and were permitted everywhere to compound for forfeiture on easy terms. It then, in wise and well-measured words, proceeded to justify, for defence of religion and the state, the repressive measures it

demanded. The Popish religion, it declared, was incompatible with Protestantism and with Freedom. It drew with it unavoidable dependency on foreign princes.* Its restless spirit admitted no equality. If it once got a connivance, it would press for a toleration. If it obtained toleration, it would insist upon equality. If equality were achieved, it would aspire to superiority; and never would it rest till it could trample on the true religion. Wherefore was his majesty adjured, by the glory of God, whose cause it was; by the zeal of right religion, in which the members of that house had been born, and by God's grace were resolved to die; by the safety of his royal person, which was the life of his people; by the happiness of his children and posterity, and the honour and welfare of his church and state—now, speedily and effectually, to take the sword into his hand; to reunite the princes and states of the union, weakened and broken by his falling off; to bend the strength of war, and turn the point of his sword, directly against the king of Spain; to frustrate evil hopes, and secure succeeding ages, by marrying his son timely and happily to one of his own religion; to give order for the English education of English children; and to press all due and necessary forfeitures. Which done, that house, by their daily, hearty, and devout prayers to the Almighty, the great King of kings, would contend for a blessing on his majesty's endeavours, and for his long and happy reign, and for that of his children's children after him, for many and many generations. In fine, the subsidy was offered, as voted conditionally.

No debate immediately followed. When the Speaker,

* It is extraordinary with what vividness each incident of the Low Country campaigns of thirty-five years ago appears impressed on the minds and hearts of this succeeding generation. The surrender, by English Roman-catholic gentlemen, of Deventer and Fort Zutphen, was appealed to frequently as the very type of Popish dependence and untrustworthiness; not with anger against the Stanleys and Yorks, so much as with horror at a religious system incompatible with loyalty, nationality, and freedom.

who had read this remarkable paper standing, resumed his seat, the chancellor of the duchy, Sir Humphrey May, not affecting to conceal his amazement at language "of so high and transcendent a nature as he never knew the like within the compass of those walls," moved to suspend further discussion till the next day; when the courtiers and privy councillors, who saw the storm that must arise if the clause against the prince's marriage were persisted in, attended in as great force as they could muster, and rose in succession to call attention to the danger implied in such a claim, since no treaties could begin from that house. The danger was doubtless great, said Sir James Perrot, but far more imminent the peril of such a marriage. Let them reflect on what was too often witnessed in private families where man and wife were of contrary religions. And he instanced a case that had just occurred at Acton, where a recusant wife had with her own hands murdered two of her children rather than that her husband should train them up in a religion different from her own. On the other hand, Vane, Wentworth, and others urged the danger of grasping at more than they had any chance of holding fast; to which Crewe with great spirit replied that they were assuming no authority or interest to which they had not just and irrefragable title as the English commons, whose bounden duty it was humbly to show, by petition, whatever might be prejudicial to the king and the state. For his own part, he added, as with forecast of all the misery that awaited the family on the throne through "many and many" generations from one fatal obstinacy, he wondered to see the spiritual madness of such as *would* fall in love with the Romish harlot, now she was grown so old a hag.

Everything meanwhile had been told to the irascible old monarch. A copy of the report had been privately laid before him at Theobalds, and in a towering rage he had indited those letters to secretary Calvert, which

warned the house of commons against further meddling with his mysteries of government ; which declared not alone his belief that he had the right, but his determination to exercise the power, of punishing every man's misdemeanour in parliament as well during their sitting as after ; which rebuked them for their foul-mouthed oratory against the king of Spain ; and declared himself a king too old and experienced to allow of their claiming as their ancient and undoubted inheritance and right, privileges that had been derived solely from the grace and permission of his kingly ancestors and himself.

These letters, it hardly needs to say, led to the memorable Protestation of Tuesday night the 18th December 1621, entered on the journals as of record, and torn therefrom by the king's own hand, but remaining nevertheless among those most indelible of all records, never to be defaced or destroyed, which are the securities and title-deeds of English freedom.

The days when this Protest was debated, Saturday, Monday, and Tuesday, the 15th, 17th, and 18th of December, were remarkable for one of the severest frosts ever known in London. "Such heat within," wrote an old courtier to Weston, "and the Thames impassable " without for frost and snow." Yet was the heat tempered by a settled and solemn resolve. Another of the courtiers informed Sir Dudley Carleton that on the day when the king's letters were read, "letters of a kind that never " sovereign in England had writ before," such was the house's reception thereof that they deferred immediate discussion and betook themselves to prayer. The fact is named with no accompaniment of wonder or derision. No man, however strong might be his sympathies with the court, for a moment doubted that the struggle with it now begun, and not again to close until resolved for ever, was based upon convictions of the very essence of life itself, irremovable as its highest purposes here, and indestructible as its hopes hereafter.

All ordinary business was laid aside. It will be ill news for our constituents, said Wentworth, if we take no bills into the country with us. We shall not carry good news into the country, retorted Philips, if we tell them we have brought them bills, but have lost them our liberties and privileges. Bills are an accident of well-being, but privilege is of the essence of being. That upright old Cornishman, the most intimate of Eliot's friends, Sir Edward Giles, wrung his hands for very pity of what he foresaw in the future. Never so loyal a parliament as this, he exclaimed; but the honefter men, the worse luck! Sure the end of the great enemy is near, he so much rageth and laboureth to cross our righteous purposes. Then interposed Sir Francis Seymour. It became them for the present to be silent as to matters they had in hand. Let them decline disputing further of the match, and of religion and war. Yet would he have it expressed and put on record, that consideration of the religion of the kingdom, and of whatever might affect the safety of his majesty's person, the good of his subjects, and the welfare of his children, was not matter out of the cognizance of that house. The bills they could now pass were not worth their labour. But it was their duty to take at once some course to settle their privileges, so that they should leave them not worse than they found them when they entered those walls. The suggestion was put in more distinct form by Philips. Since, he remarked, his majesty hath said we hold our privileges by the grace of princes, and not by a right descended to us, it was indeed rendered necessary that they should expressly declare their powers. And in so doing they would do no more than was disputed of in the first parliament of his majesty, when the king said that they held their liberties by a toleration, not by right; whereupon there was entered a public declaration that they held them by inheritance from their ancestors. He would have that course taken now.

But extraordinary as was the feeling displayed, the house had not risen to the height of its argument until after Crewe had spoken. And happily, even in the fragment preserved to us, grandeur of sentiment, and matchless force of language, are sufficiently discernible to account for the profound emotion excited by this admirable speaker. As they owed to the king, he said, their duty, their lives, and all they possessed, so did they owe it to posterity to hand down unimpaired the liberties and privileges of that house. It could not but be a great grief to them to hear so wise a king to doubt the right of those privileges, and that he would have them styled a liberty derived by the permission of princes. This did stir all their hearts. Magna Charta had renewed, confirmed, and established unto all, peers, barons, gentry, and commonalty of the kingdom, as well their liberties, rights, and privileges, as their lands and possessions; and if, by that great charter, itself thirty times confirmed, the laws were declared a birthright and inheritance, as all knew they were, then much more those privileges and liberties of parliament that had given to laws their force and efficacy. This was felt by them all. Nay, this was of that importance to them, that if they should yield their liberties to be but of grace, those walls, that had known the holding them thus many years, would blush!

And so, while the bitter weather raged without, these great-hearted men, moved to the noble warmth that accompanies all high actions, adopted by acclamation the Protest which declared—

That the liberties, franchises, privileges, and jurisdictions of Parliament, are the ancient and undoubted birthright and inheritance of the subjects of England; and that the arduous and urgent affairs concerning the King, State, and defence of the realm, and of the Church of England, and the

making and maintenance of laws, and redreſs of miſchiefs and grievances which daily happen within this realm, are proper ſubjects and matter of counſel and debate in parliament; and that, in the handling and proceeding of thoſe buſineſſes, every member of the houſe hath, and of right ought to have, freedom of ſpeech, to propound, treat, reaſon, and bring to concluſion the ſame; that the Commons in Parliament have like liberty and freedom to treat of thoſe matters in ſuch order as in their judgment ſhall ſeem fitteſt; and that every ſuch member of the ſaid houſe hath like freedom from all impeachment, imprisonment, and moleſtation (other than by the cenſure of the Houſe itſelf), for or concerning any bill, ſpeaking, reaſoning, or declaring of any matter or matters, touching the parliament or parliament buſineſs; and that if any of the ſaid members be complained of and queſtioned for anything ſaid or done in parliament, the ſame is to be ſhown to the King, by the advice and aſſent of all the Commons aſſembled in parliament, before the King gives credence to any private information.

They had ſat long paſt their uſual time on this wintry December evening, but every ſuggeſtion for adjournment had been reſiſted on the ground that the king might prevent their re-aſſembling, and ſo diſable them from making formal record of their Proteſtation. Once upon the journals, they knew that it was there for ever, though the page containing it might be torn and ſcattered to the winds. And ſo, “ Mr. Speaker in the chair, “ it was ordered by queſtion to be entered forthwith in “ the Book of the Houſe, and there to remain as of record. And accordingly it was here entered, ſitting the “ houſe, between 5 and 6 of the clock at night, by “ candle-light.”

What followed is of ſmall importance except to ſhow

the frantic and impotent anger of the passionate old king. He came up in his coach from Theobalds, got together a privy council and six of the judges who happened to be in town, sent for the commons' journal, tore out the Protest, ordered registry to be made of the act, dissolved the parliament by proclamation, and wound up the labours of the day by tumbling off his horse into the New River, "where the ice brake, so that nothing but his "boots were seene." * He was pulled out by Sir Richard Yong, got into a warm bed with dispatch, and nothing serious came of it.

It was something more serious, however, and not of accident but design, which befell the leaders of the parliament that day in reward of their honesty and courage. The case of one was that of all; and, from a written appeal made by the brother of Sir Robert Philips some six months afterwards, an idea may be formed of the penalties that then awaited a representative of the people who braved the anger of the court. Sir Robert had hardly retired himself, says his brother Francis, to his poor house in the country, with hope awhile to breathe after his labours in parliament, and still breathing nothing but his majesty's service, when, before he had finished his Christmas, he was arrested by a serjeant-at-arms in his own house, with as much terror as belongs to the apprehending of treason itself, was brought up a prisoner, presented as a delinquent at the council-table, and committed to the Tower. There he had since been kept, with every circumstance of harshness, in close and solitary

* Harl. MSS. 389. I quote the letter: "The parliament was, on Wednesday, cleane dissolved by proclamation. The same day his Ma^{ty} rode by coach to Theobalds to dinner, not intending, as the speech is, to returne till towards Easter. After dinner, ryding on horseback abroad, his horse stumbled and cast his Ma^{ty} into the New River, where the ice brake: he fell in, so that nothing but his boots were seene. Sir Richard Yong was next, who alighted, went into the water, and lifted him out. There came much water out of his mouth and bodie. His Ma^{ty} rode back to Theobalds, went into a warme bed, and, as we heare, is well, which God continue!"

confinement. Even his wife and his brother had been refused access to him. And now, after five months of that living death, their humble petition was, if he must still remain within the walls of bondage to expiate what he had done in those privileged walls,* that his majesty might at least be pleased to mitigate the rigour of his captivity so far as to grant him the liberty of the Tower. "Yet not ours," concluded the petition, "but your majesty's will be done."†

His majesty's will was, that so Sir Robert Philips should remain, and that such also should be the reward of Coke, Pym, and others, until the ninth month of their monstrous captivity; when a general release of popish recusants to propitiate Spain, and the forecast of another parliament, rendered further restraint of the Protestant champions dangerous to its cowardly perpetrators. Even then full freedom was not given, but conditions within certain distances were imposed. The hardly more merciful fate had meanwhile befallen Crewe, Sir Dudley Digges, and Sir James Perrot, of being dispatched on forced missions into Ireland. And now, parliament being got rid of, and what his majesty called its "fiery popular and turbulent spirits" duly punished, it was hoped that the Spanish match might go uninterruptedly forward.

III. SPANISH MATCH AND JOURNEY.

Everything at last seemed to promise success. Whether the Spanish court at first were really in earnest, may be

* The house of commons.

† State Paper Office. MS. April 12, 1622. The petition is printed imperfectly in the *Cabala*. Three months later, it appears from a letter in the same collection (S. P. O. July 1622), Sir Robert Philips was still close prisoner; and at that date only had Sir Edward Coke's eldest son and his daughter been at length permitted to see their father after his long imprisonment. The prisoners were released from the Tower, but confined within distances, in the middle of August; a few days after the Lord Keeper's letters to the judges, and the issue of his pardons under the great seal, for numbers of popish and jesuit recusants. S. P. O. MS. August 2, 1622.

doubtful ; but there was a point in the negotiation when they had gone too far to recede, if faith had been kept with them. It was quite true that Olivarez and Gondomar tried every possible artifice to secure larger indulgence for popery in England, to evade any direct pledge for restoration of the Palatinate, and to obtain even such an engagement for modified acknowledgment of the papal authority as might favour the hope of the prince's entire conversion ; but all these matters had been handled and made the subject of reciprocal concession and compromise, nor was there any cause to doubt that the English ambassador in Spain, Digby, lately of special favour made Earl of Bristol, had brought the affair to a direct and intelligible issue, when the jealousy of Buckingham struck in.

Bristol afterwards asserted that the prince's secret journey to Madrid had been devised between Buckingham and Gondomar, but Buckingham declared the project to have been his own ; and in its coxcombry and absurdity it was worthy of him. In reality, however, the notion seems to have been Gondomar's, who believed that, with possession of the person of the prince, Spain might more easily get possession of his religion ; and Buckingham had a deeper motive than either vanity or caprice for his headlong eagerness in embracing the scheme. There can be no doubt that Bristol's success in an affair so dear to the king had been wormwood to the favourite, and that his present hope was, even in the very instant of the victory understood to have been achieved by another, to bear off the prize for himself.

The king resisted the proposal for some time, and if Clarendon's elaborate account,* given from a principal actor in the affair, Sir Francis Cottington, be correct, it is the most striking proof on record of the despotic sway of Buckingham over both father and son. After much

* See *Hist. of Rebellion* i. 17-35. (Ed. 1839.)

bitter crying, baby Charles is at last given over to dog Steenie, who then dries the eyes of his dear dad and gossip, and soon makes him merry again with the thought of how the dear dad himself, and his father, and his grandfather, had all gone gallantly from Scotland over seas to fetch home their wives.* Whereupon baby and dog become sweeter boys than ever, and indeed nothing less than dear venturous knights, worthy to be put in a new romanço. And even so, Charles and Buckingham, travelling as Mr. John and Mr. Thomas Smith, each with a bushy black wig, and attended only by Francis Cottington and Endymion Porter, set off upon their ill-omened journey, masked and disguised from the English people.† It is certain that Bristol had received no communication from either when, at the dusk of a February evening, the Messrs. Smith were announced to him as visitors at his house in Madrid.‡

* S. P. O. MS. Calvert to Carleton. 27th Feb. 1622-3. For specimens of the extraordinary style interchanged between the king and his sweet boys, see *Hardwicke*, i. 448-451. "I your baby will not let your dog trouble himself with writing," the prince begins one of his letters when the favourite is slightly indisposed. "My thoughts are only bent," writes the favourite, when they have been absent a little while, "on having my dear dad and master's legs soon in my arms." In another letter he declares, that when once he gets hold of the king's bed-post again, he means never to quit it!

† "1622-3. Feb. 17, Monday, the Prince and the Marquis Buckingham set forward very secretly for Spain." "Feb. 21. I wrote to my Lord of Buckingham into Spain." "1623. March 31. I received letters from my Lord of Buckingham out of Spain." "April 9. I received letters from my Lord of Buckingham out of Spain." "June 13. I received letters from the Duke of Buckingham out of Spain." "Aug. 17. I received letters from the Duke of Buckingham out of Spain." *Diary of Laud*, who, now created at Buckingham's instance king's chaplain, bishop of St. David's, and commissioner of grievances, played the part of jackall and court-spy over court doings, in the favourite's absence. While Abbot was sustaining the religious spirit of the people with a manly fervour worthy of their own, Laud was speculating on what it could possibly portend that, on the evening of St. Swithin's day, the lanthorn at St. James's house should have been blasted by a storm of thunder and lightning, and the vane bearing the prince's arms beaten to pieces!

‡ With what instant misgiving of the issue Bristol must have received his unwelcome visitors, appears in a letter of Chamberlain to Carleton with the date of the 5th April. "In the midst of all this jollity I hear the Lord

Everything at first went swimmingly. The magnificence of the welcome exceeded belief. Processions, banquets, tiltings, ceremonials, made gorgeous the nights and the days. The dad and gossip at home was out of his wits with joy. He superseded Bristol's embassy by making Buckingham ambassador-extraordinary, and sent him over a patent of dukedom to put him on a level with the highest in Spain. Money and jewels for the travellers to keep royal state, were collected by desperate devices; and orders were issued for a fleet to be in readiness to fetch the bride. The first letters from the prince and duke had indeed thrown a little change of vexation over the old king's delight. He was asked by his dear boys, point-blank, how far he would acknowledge the Pope's supremacy; to which he had to make answer by fustily quoting his own book against Bellarmine, by repeating his offer therein to call the Pope chief bishop if he would but lay down the power of deposing and excommunicating, and by telling his baby and his dog that he was not going to shift his religion as easily as a monsieur after coming from tennis might shift his shirt.* But he made up for this prudery by giving two preposterous pledges; first, to keep secret from the council all that was writ to him from Spain, and next, to perform whatever the prince there promised in his name! Under his direction, at the same time, pardons for recusancy were issued by Williams under the great seal to all papists and jesuits that should apply for them within five years;† and

"Digby [Bristol] writes that, as he pretends no private benefit to himself in the good success of this business, so he desires he may be blameless, if, by reason of the prince's coming, matters fall not out according to expectation. Here is a whispering underhand of no good intelligence 'twixt him and the Lord of Buckingham which may arise upon divers reasons." Harl. MSS. Birch Transcripts.

* See these letters in *Hardwicke Papers*, ii. 402-411.

† "Yet," writes Williams to the prince, "in the relaxation of the Roman-catholic penalties, I keep off the king from appearing in it as much as I can, and take all upon myself, as I believe every servant of his ought to do in such negotiations, the events whereof be hazardous and uncertain."

the judges on the circuits were instructed by the Lord Keeper to discharge from prison every popish defaulter willing to give security for subsequent appearance. Promises of a yet larger kind for grace and favour to Roman-catholics were also privately given; and meanwhile, practically, the penal laws were suspended, and the popish worship permitted in private houses.

The council afterwards sought to evade responsibility for these acts, but in effect, there is no doubt, their sanction had been obtained to them. Probably they were not told of the suggested recognition of the Pope, or made acquainted with the belief entertained by Buckingham (the measure of his further belief in his own extravagant and unbounded power) that he could force such a measure on the English people; but it was no secret from them, or indeed from anyone, that the prince's appearance in Madrid had let loose such hopes among the Roman-catholics, at home and abroad, as had not found full expression or indulgence since the great queen's accession, and that to a letter from the reigning pope (Gregory XV) to the prince, regretting the altered state of Britain, eager to discover no indisposition to the Roman see in his pursuit of a Roman-catholic prince, calling him the flower of the Christian world, expressing hopes for his conversion and that he would prove "enfranchiser" of his country, the prince had replied, assuring his holiness that he had no design against the Roman see, but that his wish was to see a reunion of the churches and to banish strife from the Christian world, with a distinct and grave promise that he would himself abstain from every act of hostility to the Roman-catholic faith. "This by your favour is more than a compliment," said Clarendon to Nicholas when he read the letter.* So

* *Clarendon St. Papers* ii. 337. See the letter in *Rushworth* i. 78-83, and *Hardwicke's State Papers* i. 452-3. That it was "more than a compliment" might well be said of it. Authentic copies in Latin and English of both letters are in the state paper office, under the dates respectively of the 10th April and the 18th June 1623.

had thought Sir Thomas Wentworth of Yorkshire; but meanwhile his kinsman and friend Sir Edward Conway, the newly appointed secretary of state, had been sending him brilliant accounts of the proceedings in Madrid. The reception, like the visit, had been unexampled. There was no doubt now in the affair. The prince's household jewels, apparel, and robes for St. George's day, were gone. The duke had sent over his horses, tilting armour, and caparisons. The dispensation was on its way. The fleet was getting ready. Ten ships would set out by the end of April, and by the end of May would be back with their precious charge. Don't believe anything you hear to the contrary, wrote the confident secretary of state. None now but the desperately envious, or vile almanack-makers arguing from conjunction of planets, talk of any delay!*

Among the desperately envious and the vile, then, were to be reckoned the English people; for the bulk of the nation absolutely refused to believe that this unholy compact would be completed. Now was the prophecy of the dying Raleigh to be fulfilled. The court were not to have it all their own way. The seeds sown by the murder of that great Englishman, and by the eloquent utterances of the parliament so rudely dissolved, were springing up daily in terrible discontents. It was to no purpose that all the bells of London had been set ringing on receipt of the first letters from Spain; it was in vain that the constables in charge of the various wards had been ordered to see bonfires lighted in every part of the city.† No gladness appeared in the streets, and the bonfires burnt out without company. "It may be," wrote the polite Mead to Sir Martin Stuteville, "that they run not about a bonfire in the city as they do in

* MS. S. P. O. Conway to Wentworth, 4th April 1623.

† "His Majesty expected the city should have expressed their joy of their own accord, which, because they forgot, they were thus commanded." S. P. O. (MS.) 5 April 1623.

"the country." He was soon to be enlightened on that point. The popular celebration for the present preferred was of a different kind. Hardly a day passed that the Spaniards belonging to the embassy were not besieged in their houses, or stoned in their coaches as they passed along. No lack of "company" in St. Martin's-lane, when any of those gentlemen appeared; and in the tumults that ensued several lives were sacrificed.

Graver and more dangerous expression had been meanwhile found for the emotion that stirred the people. While Eliot fretted in the prison to which the council had so shamelessly consigned him, there came suddenly into circulation, and immediately afterwards into print, a letter to the king bearing the signature of archbishop Abbot. It was believed to be genuine, and the excitement it created was extraordinary. The writer had at least caught faithfully, and expressed in very startling form, the well-known sentiments of the chief of the English church. "By your act," he told the king, "you labour to set up the most damnable and heretical teaching of the church of Rome. You show yourself a patron of those doctrines which your pen hath told the world, and your conscience tells yourself, are superstitious, idolatrous, and detestable. Hereunto I add what you have done in sending your son into Spain without consent of your council, or the privity or approbation of your people. Believe it, Sir, however his return may be safe, yet the drawers of him into this action, so dangerous to himself, so desperate to the kingdom, will not pass away unquestioned, unpunished. Besides, this toleration which you endeavour to set up by your proclamation, cannot be done without a parliament; unless your majesty will let your subjects see that you will take unto yourself ability to throw down the laws of your land at your pleasure."* The court were

* Dr. Lingard treats the letter as unquestionably authentic, and quotes it with much candour (*Hist. of England* vii. 123) as proving the bitterness of

in consternation at this letter, and the most extraordinary exertions were made to discover the writer. The archbishop was called upon to disavow "the counterfeit paper" "passing under his name," but though he disclaimed the authorship he declined to carry his disavowal further. The "paper" must be suppressed, wrote secretary Calvert (himself now secretly a papist) to secretary Conway;* confessing at the same time that further search after the author was idle, as an expensive, endless, fruitless task. The king had indeed cause to insist on its suppression, for discontent was rising to a frightful pitch, and his majesty's person was even threatened.

But then became noised about reports and rumours of a strange complexion. The fleet had been some time ready for departure, but was still delayed. An adverse wind was said to be the cause, but the people called it a Protestant wind. Seven noblemen, all privy councillors, had some time since taken their departure for Southampton, to superintend a pageant for reception of the infanta, carrying with them Inigo Jones and old Alleyne the player, who could surely, writes Chamberlain to Carleton, have done as well without so many privy councillors.† But the pageant still hung fire; and on Sir Francis Cottington arriving suddenly at Dover, the truth was no longer to be concealed. There was a serious hitch at Madrid. The scheme of Gondomar had so far taken effect that the prince's presence enabled the

the Archbishop's zeal as a divine and the soundness of his principles as a statesman. Carte in his *History of England* (iv. 108) doubted its authenticity, notwithstanding its grave quotation by Rushworth, Prynne, the Cabala, and other authorities. It will be seen by my text that proof of its spuriousness exists in the state paper office. I can never refer to Carte's book, greatly as I differ from the opinions of its writer, without a tribute to his wonderful industry and patience, and, in so far as consists with his avowed prejudices, his honesty. Hume owed to that book whatever credit his *History* received for research, and much of the praise it deserved for lucidity of arrangement. The philosophic remark, and incomparable beauty of style, were of course all Hume's own.

* S. P. O. (MS.) 14th August 1623.

† S. P. O. (M.S.) 14th June 1623.

subtle and keen Olivarez to undermine the Bristol negotiations and re-open the affair on new grounds. Bristol remonstrated warmly, but was met by Buckingham's scorn. Drunk with vanity and unbridled will, the favourite thought a higher prize was in his reach, and opening his hand to seize it dropped all that had been gained. What it was easy to overthrow, he found it next to impossible to rebuild. Baffled in his attempt to get better terms, he lost his temper and his courtesy. His noisy arrogance, his presumption, his airs of more than regal superiority, only showed in humiliating contrast the calm predominance of the Spaniard. All the hopes and designs with which he entered Madrid were now utterly broken down; and the futility of the entire scheme had declared itself, even before the tidings, now borne to him by every dispatch from Whitehall, of the state of public feeling in London and of the dangers it threatened to himself, first had reached him. He at length saw, or affected to see, what the popular desire in England was; and he decided upon a rupture with Spain.* He was not long in effecting it; and immediately afterwards, amid the piteous wailings and lamentations of the king, amid confusion worse confounded of the courtiers unable any longer to feel or find their way, amid the people's rising shouts of gladness "as of thunder heard remote," he hurried the prince home.

Now might Mr. Mead have had personal experience of what a London bonfire was. The travellers landed at Portsmouth on the 5th, arriving in London on the 6th, of October; and from that day onward, for many

* See the various histories as to this Spanish business. Dr. Lingard has treated the subject very fully; and some able reasoning on the general question will be found in Bolingbroke's *Remarks*, pp. 285-306. 8vo edit. There are also important communications relative to it in Lord Hardwicke's State Papers; in the second volume of Somers's Tracts, and in Howell's Familiar Letters. Perhaps the best account is by Howell, who was himself in Spain. Mr. D'Iraeli's "Secret History of the Spanish Match" is pleasant and ingenious; adding, with great vivacity, nothing whatever to our knowledge about it.

weeks, every part of the land was in a rapture of rejoicing. The city and its suburbs blazed with bonfires, and upon one at Blackheath Mr. Chamberlain saw deposited fourteen loads of wood. Every leading thoroughfare had its flaming pile; and so mad were the populace with excess of joy, that out of every timber cart that rolled along the streets the horses were taken, and timber, cart and all, were flung into the flames. They were well allayed by London liquor, writes Conway to Carleton,* or the whole city might have been consumed. Hogf-heads of wine and butts of sack were seen flowing in every direction, and this noise of riot and feasting alternated with sighs and sounds of deeper and graver import. Thanksgivings rose in all the churches, as of deliverance from a great calamity; and the anthem which tells of Israel coming out of Egypt, and the house of Jacob from a people of strange language, was taken up and sung with astonishing fervour. Buckingham was the hero of the hour, and became the object of extraordinary and hyperbolical praises. Old Coke went so far as to call him the saviour of his country.

It seems doubtful whether the poor old king ever smiled again. But to history it belongs to tell of the misery and mortification that awaited him after this downfall of the one cherished scheme of his life, and upon only such portions of history may I now linger in these pages as are essentially connected with Eliot's career. The task of explaining the strange and exceptional position of public affairs at Buckingham's return to England has been accomplished, and my narrative, unintelligible without such explanation, is now resumed.

IV. CALUMNY.

Re-entering the path of Eliot's fortunes, the same misrepresentation and falsehood that dogged his steps

* S. P. O. (MS.) October 1623.

during life, and have continued to harass his memory, wait as usual to be cleared away.

The last refuted calumny, if accepted for truth, would have exhibited him, while in his boyhood, a suppliant to Buckingham for release from penalties of crime, while Buckingham himself was younger son to a country gentleman of Leicestershire, with less than Eliot's own opportunities and power. Mr. D'Israeli has nevertheless adopted that ridiculous statement, and has attempted to corroborate it by the production of a letter written by Eliot in 1623 to the duke.* That is to say, he declares Sir John to have repaid protection and knighthood given him by the duke with immediate and violent hostility; and proposes, in corroboration, to produce a letter written in terms of courtesy and deference, by Sir John to the duke, some considerable time after the period of the knighthood. I pass the contradiction, however, and for a time also the letter itself, to consider the position attempted to be established by it, namely, "that in 1623 we find Sir John a suppliant to, and at least a complimentary admirer of, the minister, and only two years after, in 1625, Eliot made his first personal attack on that minister, his late patron and friend, whom he then selected as a victim of state."

To the first part of this charge, the short and obvious answer has already been supplied in the account of Eliot's vice-admiralty disputes. The letter is written by the vice-admiral of Devonshire to the lord high admiral of England; and, as will shortly be seen, is neither less nor more than a simple demand of reparation for injuries undergone in support of the office and rights of the Duke of Buckingham. Its tone will be seen to be expostulatory; and, courteous as its terms are, it is even deficient in the elaborately complimentary phrases that were considered due, in those days, to the ceremonious

* *Commentaries* ii. 270.

observances of letter-writing. Not only does it in this respect, indeed, fall short of the notorious custom of the age, but the bareness of its language, considering the time at which it was written, may be characterised as even surprising. Hardly a month had passed since Buckingham's return from Spain; yet Eliot offers him nothing of the adulation which Coke and Philips* were ready to lay at his feet. Mr. D'Israeli moreover dates the letter as at "the close of 1623," which would intimate that parliament had already commenced its sitting; and then takes leave to tell his readers, that the patriotism of Eliot was a "political revolution, " which did not happen till two years after he had been "a suppliant to this very minister."† Mr. D'Israeli really knew nothing of the circumstances, or of the close relations that will be seen to have continued, beyond this date, between the vice-admiral and the head of the admiralty. The truth as to the letter is, that it was written in the eighth month of 1623 (old style), two months before the assembling of parliament; and there the voice of Eliot was heard, in the tone it never afterwards abandoned. Though none of his speeches at this period have been preserved in the histories, I have been so fortunate as to discover among the papers at Port Eliot, ample notes, in his own hand, of speeches delivered by him in this very parliament: and from these, from other manuscript records, and from the journals of the house of commons, I now undertake to prove that no "political revolution" ever occurred in his life; that he was consistent from the first; and that while his eloquence was often exerted in this last assembly of James's reign,

* In the same volume of letters (the *Cabala*, p. 340), is a letter to the duke from Sir Robert Philips, on which a precisely similar charge to this I am now discussing might be as easily founded. Mr. D'Israeli admits Philips to have been emphatically an independent country gentleman, but he does not seem to have known that there was a time in his life when even Philips thought Buckingham to have deserved well of his country.

† *Commentaries* ii. p. 227.

he never spoke but in support of the principles, and of the rights and the privileges, for which he afterwards suffered death.

V. PREPARATIONS FOR THE MEETING IN 1623.

"Right Honourable," wrote Eliot to Buckingham,
"With what affection I have served your grace, I desire
"rather it should be read in my actions than my words,
"which made me sparing in my last relation to touch
"those difficulties wherewith my letters have been checkt,
"that they might the more fully speak themselves. I
"shall not seek to gloss them now, but, as they have
"been, leave them to your grace's acceptance, which I
"presume so noble, that scandal or detraction cannot
"decline it. It were an injury of your worth, which I
"dare not attempt, to insinuate the opinion of any merit
"by false colours or pretences, or with hard circumstances
"to endear my labours; and might beget suspicion,
"sooner than assurance in your credit, which I may not
"hazard. My innocence, I hope, needs not these; nor
"would I shadow the least error under your protection.
"But when my services have been faithful, and not
"altogether vain, directed truly to the honour and bene-
"fit of YOUR PLACE, only suffering upon the disadvantage
"of your absence, I must importune your grace to
"support my weakness, that it may cause no prejudice
"of your rights and liberties, which I have studied to
"preserve though with the loss of mine own. My insis-
"tance therein hath exposed me to a long imprisonment
"and great charge, which still increaseth, and threatens
"the ruin of my poor fortunes, if they be not speedily
"prevented. For which, as my endeavours have been
"wholly yours, I most humbly crave your grace's
"favour both to myself and them; in which I am devoted.
"Your grace's thrice humble servant, JOHN ELIOT.
"Novemb. 8. 1623."*

* Printed at the close of the *Cabala* (Ed. 1663, pp. 412-13).

It may be doubtful whether the vice-admiral had, or had not, left his prison in the Marshalsea at the time he thus wrote to the lord-admiral. While he employs expressions that consist with either supposition, they point perhaps with greatest probability at the latter. But does the spirit or tone of the communication admit of any question? Is it not a manifestation of a kind the exact opposite of what has been alleged of it? Nowhere visible in it to me is humility or suppliancy, but rather, as addressed to the favourite at that supreme hour of his popularity and triumph, a lofty reticence, and a high-spirited, almost haughty reserve.

The vice-admiral, imprisoned and persecuted for having defended with spirit and discharged with faithfulness the duties of an office in whose proper maintenance the lord-admiral has a deeper interest than himself, begins by speaking of more than one relation which already he had made upon his case, and to which there seems to have been no reply. He has yet no wish that anything save his own actions and labours should speak for him; and he "presumes" the duke too noble to require false pretences for support of innocence, or to deem the least error as having claim to protection. No such petition does Eliot prefer to Buckingham. His services as vice-admiral of Devon had been faithful, had not been vain, had been uniformly directed to the honour and advantage of the more important office involved in his, and had suffered by the lord-admiral's absence in Spain. Therefore was he entitled to "importune" the duke so to support his weakness, that it might not further prejudice those higher claims for which he had sacrificed his own. His maintenance of the claims of the admiralty had exposed him to a long imprisonment and great charge, which still increased, and, if not speedily prevented, threatened the ruin of his fortunes. And so, craving his grace's favour for endeavours that had been wholly his, he is his grace's thrice humble servant. I say, a manly

and independent letter ; such as strikingly contrasts, in its tone and terms, with the fulsome and not seldom blasphemous adulation that had then become the custom of highest dignitaries, bishops, privy councillors, and secretaries of state, to address to the all-powerful Buckingham.

What answer was made by the duke, or whether any answer was made, I have failed to discover. The only certainty is that Eliot's intercourse with the duke did not cease or determine. It is also certain, however, that one part of his request to his chief remained unfulfilled, and that parliament itself, and not the duke, had to give order for the stay of such suits as were in progress against Eliot, threatening him with ruin. It may further have been due solely to the fact of a parliament approaching, that Eliot obtained even his personal freedom ; since the fact does not with certainty appear to us, until the providers of court news return his name among the lists of candidates for the new house of commons.

With fore difficulty had the poor king, thoroughly subdued and humbled as he now was, been brought to consent to the calling of a parliament. The very influence over the popular leaders on which the favourite at present counted, had only more disposed the king to shrink from the proposal. He knew the irreconcilable hatred borne by them to Spain ; and of his dog Steenie he now also knew that there was no extreme, even of popular subservience, to which he would not lend himself to carry the object he desired. Bristol had braved his power in the very interest still dearest to James ; had come over from Madrid to support the Spaniard ; had crossed from Calais in an open boat, on an English ship being denied to him ; and, at landing, had been put under restraint by the order of Buckingham.* The council specially

* Not until after the treaties had been declared broken, and subsidies voted for the war, was Bristol permitted to come to town ; and the course then taken with him may be inferred from what Wentworth writes to

summoned to determine whether Spain had given cause for war had answered in the negative by five to three; * chancellor Weston, whose wife (if not himself) was a Roman-catholic, and secretary Calvert, a confessed convert to popery, having been reinforced by the Lord Keeper and the Lord Treasurer, under the belief that after all the king's was the safer side to vote with; and Williams and Middlesex were now marked out for ruin. In Buckingham's hands, thus far, the prince had been wholly submissive and unresisting. All these were reasons with the king for dread of a parliament; and especially hateful to him was the necessity of submitting to the deliberation of that assembly, as he knew to be the favourite's intention, details of negotiations that were of the very essence of the mystery of government and kingcraft, and to be kept shut among the *arcana imperii*. But, disappointed of the infanta's dowry, he had no money, and no other means of getting it. The writs went out, and the elections began.

Williams had by this time seen his mistake, and in the interval before parliament met he did his best to repair it, by patching up a hollow and temporary truce with the man who had lifted him to favour, and who now frankly told him that though he would not seek his ruin, he

Wandesforde, on the 17th of June 1624. "My Lord of Bristol is in town pressing to have his charge, and to be admitted to his defence; wherein, for fashion sake, the two Secretaries and Mr. Chancellor of the Exchequer meet for drawing of the Interrogatories; but it moves so slowly, as if now being come to a full and complete time of birth, they had not strength to bring forth any well-formed or solid matter, no not so much as in Idea. For sure, I conceive, it is not any good nature or tenderness to the nobleman, that causeth this leaden heavy march; so as in good faith I do begin almost to think, there was no ground for their opinions who thought his offence so great *as he never would, nay never durst, return home hither into England.*" *Strafford Letters* i. 21. Wentworth's sympathies were with Spain; but no man was better informed of what passed in the court, and the last-mentioned rumour had been so busily set on foot as to win confident belief from the anti-Spanish party in the commons.

* S. P. O. (MS.) 31 January, 1623-4. Carlisle, and secretary Conway, voted with Buckingham.

should cease to study his fortune. He busied himself in personal communications between Buckingham and several of the popular leaders; and swallowing his repugnance to the little obstinate bishop of St. David's, he for once in his life consented to act with Laud, whom he detested,* in smoothing the way to a parliamentary triumph for Buckingham, whom he still more abhorred.

* A few extracts from Laud's *Diary* will sufficiently and characteristically show the progress of these amusing, if not very creditable, court intrigues and quarrels. "1623. Dec. 14. Sunday night, I did dream that the Lord Keeper was dead: that I passed by one of his men, that was about a monument for him: that I heard him say, his lower lip was infinitely swelled and fallen, *and he rotten already*. This dream did trouble me." "Dec. 15. On Monday morning, I went about business to my Lord Duke of Buckingham. We had speech in the Shield Gallery at Whitehall. There I found that the Lord Keeper had strangely forgotten himself to him; *and I think was dead in his affections*." He alludes to the vote at council on Spanish affairs. "Dec. 27. St. John's Day. I was with my Lord of Buckingham. I found that all went not right with the Lord Keeper, &c." "Dec. 30. I adventured to tell my Lord Duke of Buckingham of the opinion generally held touching the commission of sending Sir Edward Coke and some others into Ireland, before the intended parliament." "Jan. 11. My Lord Keeper met with me in the withdrawing chamber, and quarrelled me gratis." "Jan. 14. I acquainted my Lord Duke of Buckingham with that which passed on the Sunday before, between the Lord Keeper and me." "Jan. 25. It was Sunday. I was alone, and languishing with I know not what sadness. I was much concerned at the envy and undeserved hatred borne to me by the Lord Keeper. I took into my hands the Greek Testament, that I might read the portion of the day. I lighted upon the thirteenth chapter to the Hebrews; wherein that of David, psalm lvi, occurred to me then grieving and fearing: The Lord is my helper; I will not fear what man can do unto me. I thought an example was set to me; and who is not safe under that shield? Protect me, O Lord my God." "Feb. 4. This day I waited on the Duchess of Buckingham. That excellent lady, who is goodness itself" (she had become a violent Roman-catholic), "shewed me a form of devotion, which another woman, unknown to me, had put into her hands. I read it. All was mean in it: nothing extraordinary; unless that it was more like to poetry." Of poetry, we may therefore infer, the aspiring little bishop had an extremely "mean" opinion. "Feb. 6. Friday. My Lord Duke of Buckingham told me of the reconciliation the day before made with the Lord Keeper." The parliament was to have met on that reconciliation day, but was accidentally deferred. This gave time for more complete reconciliation. "Feb. 18. Wednesday. My Lord Duke of Buckingham told me of the reconciliation *and submission* of my Lord Keeper; and that it was confessed unto him that his favor to me was a chief cause. *Invidia quo tendis? &c.* At ille *de novo fœdus pepigit*." Next day the parliament began.

The king had made it a condition that at least Coke, Philips, Crewe, Sandys, Pym, and Dudley Digges should be excluded from the house; and though each had been returned for more than one place, a commission had been prepared for sending them all compulsorily to Ireland. But at last the difficulty was removed, and there can be no doubt that these popular members took their seats by special interference of Buckingham.

As in the preceding parliament, Coke sat the chief and centre of an illustrious group of lawyers, among whom were Noye, Selden (now first a member), Hakewell, Heneage Finch, Edward Alford, and Glanville. Wentworth again sat for Oxford, and Crewe for Aylesbury. Pym, returned to the last parliament for Calne, has been returned to this for Tavistock, and, undaunted by imprisonment undergone, and more recent danger narrowly escaped, is now, as to the last hour of his life he continued, deep in the counsels of all who held themselves most aloof from the court, in the first rank of impressive and weighty speakers, and a man of most ardent religious convictions, with powers of application to business the most vast and unwearied. Other friends much cherished by Eliot are Sir Oliver Luke, Mr. Hampden of Great Hampden, Sir Robert Philips of Montacute, Walter Long, William Coryton, Bevil Grenville, Richard Knightley, and Sir Edward Giles. With another more formidable group, the northern men as they were called, he had no personal sympathy, though he frequently acted with them. Prominent among these was Sir Thomas Wentworth, near whom sat Christopher Wandesforde and Sir Arthur Ingram; Mr. Lowther and Sir John Radcliffe; Sir Henry Slingsby and that rising Yorkshire lawyer Mr. Hutton, afterwards the Sir Richard who pronounced against ship money; Sir Thomas and Sir Ferdinando Fairfax; Sir Thomas Bellasis and Sir John Stanhope; Sir Robert Jackson, Sir Henry Anderson, and the two Saviles, father and son. These men for the most part,

even the Saviles in all county questions, acted together ; and constituted a section formidable by their talents and influence, whether marshalled together against the court for public motives, or banded together against the opposition for purposes of their own.

No evidence appears, but rather perhaps indications to the contrary, that the favourite had in any way promoted or desired the return of his old acquaintance Eliot. It is probable that if he had, he might not have succeeded ; for it is curious that Cottington, though put forward with all the influence of the favourite and the prince, whose secretary he was, only obtained a seat for Camelford after two defeats elsewhere. Not a marked man like those for whom the interference of Buckingham became necessary, Eliot was not indeed forced upon the king for his independence of the crown ; but neither was he forced upon the house for the less creditable reason of a dependence on the favourite of the court. Wood and others have asserted that he sat, and was one of the prominent speakers, in the 1620 parliament ;* but much as this belief might receive favour from the distinguished place he took in the present assembly, and the high part at once assigned to him, it is certainly a mistake. I have shown that all his previous parliamentary experience consisted in the silent part he took during his youth in the four months' parliament of 1614. But men like Eliot are never unprepared or unready ; and success that is born of the aptitude for great duties, which less men have to struggle and contend for, waits of right upon them. In that early parliament he sat for St. Germans ; to this he was returned, in conjunction with Mr. Richard Estcourt, as member for Newport, another borough in his own county of Cornwall.

And now, from the first moment of his active public

* Wood is seldom to be relied on for any date, except those which are furnished by the Oxford books.

life, his honesty of speech and patriotism of conduct began. They who have ascribed it to dissatisfaction or spleen, to pique or the spirit of opposition, have had to assume that he held an office of which he had been deprived, and that either from mortification at having lost it, or the hope of regaining it, his public life took its first tone. There is not a particle of truth in this. He was still in the habit of close intercourse with Buckingham; he was still, and for some years continued to be, vice-admiral of Devon; and the office for whose retention he has been supposed capable of such unworthy sacrifices, he must have known was put in peril by the course he proceeded to take. But it had not been difficult, in the absolute silence of all the historians as to his conduct throughout this parliament, to put forth with some plausibility the assertion of his having been, at the time, a mere undistinguished subserver to the Duke of Buckingham. I was formerly, therefore, at some pains to trace his exact course, and have since been so fortunate as to find, among the papers at Port Eliot, several manuscript notes of his speeches, heretofore wholly unreported, which bear out entirely the view I then took, and show decisively the incorrectness of the less favourable view. That his first step was to separate himself from even those popular leaders who would have waived, as matter of temporary policy, any present revival of the question which had broken up the last parliament; and that, while earnestly upholding the policy of resistance to Spain, and eulogising the king and the prince, he abstained from introducing Buckingham's name; I had seen reason to infer in the absence of these additional proofs. But in their presence, it is no longer possible to assume that Eliot might have been silent about Buckingham only because his mind was rankling on the injury referred to in his November letter.*

* "Mr. Forster, in his *Life of Sir John Eliot*, written with consider

The explanations of that letter now for the first time produced, afford ample refutation on this point; and an easy solution of other similar difficulties will be adduced hereafter, in similar original letters and details. Suffice it then to repeat, that the complaint made in November was from the vice-admiral to the chief of the naval administration; and that such official communications, besides other indications of private intimacy, continued for some time longer to pass between Sir John Eliot and the Duke of Buckingham.

"able care, has noticed the silence of Eliot respecting the Duke of Buckingham in the parliament of February 1623, when the lauded name of the duke was frequently on the lips of other popular members, as evidence that Eliot was not a subserver to the duke;—I regard it as evidence that the mind of Eliot was then rankling on the supposed injury which he complains of in the November before." So writes Mr. D'Israeli, in his *Commentaries on the Life of Charles the First*, Second Edition, 1850. When I published in my *Statesmen of the Commonwealth* the memoir of Eliot (a mere biographical sketch, of which the present is not a reproduction, being an entirely new work), I had not obtained access to the manuscript materials of which I have here made ample use; but it was then clear to me, as those subsequent discoveries establish, that Eliot's intercourse with Buckingham had not been brought to a close by the injuries or wrongs referred to in the November letter, but that they continued still for some time in communication with each other. I quote the passage referred to by Mr. D'Israeli: "After the most anxious search, I can find no allusion from Eliot, respecting Buckingham, which indicates a feeling of any sort. His silence on this head is indeed remarkable, as the lauded name of the duke was then most frequently on the lips of other popular members; but in no place is the favourite alluded to, not even at the close of the Spanish business, when thanks were moved by Eliot to the 'prince, the king, and 'to God,' for the result of the deliberations (*Journals*, April 24). Yet, that this did not proceed from any vindictive feeling at an abrupt cessation of intercourse, I think I am enabled to prove. From a minute of the journals of the house (April 1, 1624), it appears that, on one of the debates respecting the Spanish treaties, some private letters of the Duke of Buckingham were referred to, whereupon Eliot stated that he had that morning seen those letters. This is specially entered in the clerk's book. No other member makes allusion to having seen them. This appears to me to offer a fair presumption that Eliot still continued to meet Buckingham in private intercourse; and if so much is admitted, it puts an end to the amiable theory of those writers who have concluded that the letter to the duke, previously quoted, was the last of a series of unanswered applications, and that, from the time of its date, a vindictive feeling had been awakened in the breast of the offended writer—that Eliot's patriotism, in fact, was altogether a personal pique at Buckingham." *Statesmen of the Commonwealth* i. 21-22.

Be it only further remembered, in entering on Eliot's public life, that in that day politics were necessarily and intimately connected with religious doctrine. The Romish cause was the oppressor's cause, the Protestant's that of the oppressed; and the English constitutional party saw no chance for good government, except in root-and-branch opposition to the Roman-catholic faith. The Protestant struggle at home was weakened by Popish successes abroad; and the unequal conflict of the patriots of Bohemia, with the extensive Roman-catholic confederacy leagued against them, seemed, to all thoughtful as well as pious men, not vaguely to shadow forth a like possible fate for the popular party in England. So at least thought the leaders of this and the last parliament: the two "greatest and the knowingest auditories," as a political adversary called them, "that this kingdom, or "perhaps the world, had afforded."*

VI. MEMBER FOR NEWPORT.

Parliament met on the 12th of February 1623-4, but was adjourned to the 19th, when the king, in a tone very different from his speeches in former years, addressed them. His old alacrity and cheer of spirit were gone; and indeed the court gossips had reported, but a week or two before, that his majesty had fallen into such a habit of perpetual drowsiness, that he was only kept awake by playing cards.† There was nothing in his speech about his darling mysteries of state and government. He had called lords and commons together in the hope of removing previous misunderstandings, and he meant in future to cherish his people as a good husband

* Bishop Hacket in his *Life of Williams*, 179.

† S. P. O. (MS.) 31 January 1623-4. The "perpetual drowsiness" was the forerunner of what so soon was to follow. So is it, as Shakespeare finely says (*Timon of Athens*), that

— Nature, as it grows again toward earth,
Is fashion'd for the journey, dull and heavy.

his wife. He had long been engaged in treaties by which he hoped to settle the peace of Christendom; but on account of the repeated delays, he had allowed his son to go himself to Spain and had found thereby how fallacious were treaties. Everything now depended on their good advice. Upon one point especially he must request them to judge him charitably. (The poor king must have found it hard to give forth this part of his lesson, which in truth was a downright falsehood; but his task-master stood by, and there was no help for it.) He had never intended more than a temporary alleviation of the penal statutes against the Roman-catholics. He had never promised, or yielded, to dispense with any, or to forbid or alter any. Never had he thought it with his heart or spoken it with his mouth. He hoped therefore they would not be jealous of him, or needlessly exacting in points of privilege. Williams followed as Lord Keeper; most becomingly confirming what no man knew, so well as he, to require all possible confirmation; and excusing himself, as a "croaking chancellor," for speaking briefly after the king, on the ground that those who heard the nightingale would hardly care to hear an imitation. Then, the commons having chosen for their speaker Sir Thomas Crewe, the same who so grandly had upheld their privileges in the previous assembly ("an ancient member of this house, and a man every way after our own hearts"), adjournment was moved to the 23rd; when that day, and the two following, were occupied by a narrative of the whole Spanish business made to the lords by Buckingham with the prince standing by, so shaped as to hit exactly the tastes of the lower house, and only noticeable now, when viewed with the comment of the prince's placid and entire acquiescence therein, for the proofs subsequently given of its deliberate garbling and falsifying of all that had occurred in Spain. It was an ill promise for the second Stuart reign that so plausible a demeanour could mask such deliberate

perfidy. "The prince," says Rushworth, "not only gave the testimony of his silence to these untruths, but on its being reported to the house, approved thereof there also."*

On the 27th, business began in the commons; and one of the first entries in the journals is a motion on behalf of Sir John Eliot, by his countryman and friend Sir Edward Giles, to make stay of a trial instituted against Sir John. Order was made accordingly that a warrant should go out, and this was repeated three days later with extension of the warrant to a similar trial against "Sir John Eliot's man."† The trials were those prosecutions instituted against Eliot, and his "messenger" Richard Elmhirst, of which former mention has been made.

This order had scarcely issued when Eliot himself arose. It was the first speech of the session, and as if at once to show his own freedom from any compact or understanding that others might have made, he took his place on the forbidden ground. It appears to have been an understanding that the differences which broke the last parliament, and in especial the famous Protest for their privileges torn from their journals by the king's own hand, should not for the present be revived; but Eliot refused

* *Hist. Coll.* i. 76 et seq. Ed. 1682. Laud has an anecdote in his *Diary* which connects itself with the incident in the text. "Feb. 1. Sunday. I stood by the most illustrious Prince Charles at dinner. He was then very merry; and talked occasionally of many things with his attendants. Among other things he said, that if he were necessitated to take any particular profession of life, he could not be a lawyer; adding his reasons. "I cannot (saith he) defend a bad, nor yield in a good cause. May you ever hold this resolution, and succeed (most serene Prince) in matters of greater moment, for ever prosperous!" Was there ever an instance of a thoroughly obstinate man not ready and eager to say for himself what Charles Stuart then said? See also Johnson's remark, *Boswell*, p. 250 (Ed. Croker).

† *Commons Journals* i. 719-722. The reader should be informed that this publication of the journals contains two distinct and separate reports of the parliament of 1623-4, following each other in the volume, but with nothing from the Editor to indicate that they refer to the same proceedings of the same session. The second copy will be found in pp. 715-798 of the volume.

his assent. As little of advantage as of honour could proceed, he argued, from compromise or waiver of that on which not their usefulness only, but their existence, depended. He must therefore raise his voice for those favours their ancestors had enjoyed; and it is memorable that he should thus have spoken his first speech in the house elaborately to defend those parliamentary immunities and rights for which afterwards he suffered death.

He began by reminding his hearers of the ancient opinions held of representative assemblies, and how happy their effects had been to the kingdom; how like a sanctuary they had been to the subjects, how like a magazine to the princes. There, for the most part, had the princes granted such laws and reformatations as were covenable for the necessities and welfare of the subject; and there had the subject, making often larger return than was expected, reciprocated the affections of his princes. "But," continued Eliot, "in the two last conventions, at one of which I was present, and to the other a well-wisher; wherein the necessities of the king and country mutually fought for the interchange of help and assistance from each other; the king requiring supply and aid from the country, the wants and grievances of the country urging relief and remedy from the king; when on both sides there was most expected and most needed; nay, when the king began most graciously to offer himself to the subject as in all things befitted a merciful and pious prince, and the subject was again returning his thankfulness with extraordinary demonstrations to the king; — in these, I say (Oh! that I could *not* say), in these last meetings misery crept into the place of happiness, and by jealousies and distractions took from us the benefit of these counsels which hope had made equal to the wisdom of our elders."

Whence, then, had come that loss and defeat? If

they would prevent its recurrence, they must consider it now. Had the character of those assemblies changed? Or had the times changed the reason of them, and brought it to new forms? (The question probably startled some of his hearers.) "As I am ignorant," he continued, "I should be glad to learn. It was the character of a wise man in the last age, upon this point, that the greatest unhappiness could befall this kingdom was that our parliaments should become imperfect and inadequate; and that the dissent between prince and people *here* was the most dangerous! Which how it hath of late been, *quanquam animus meminisse horret*, as that wherein the soul of this kingdom hath already too much suffered,—yet give me leave, I beseech you, a little to revive it, that we may thence study an easier way for ourselves. *Faciunt aliena pericula cautos*. It is a cheap way of learning upon the costs of other men."

With much boldness Eliot then declared his belief that if they had been careful to protect their proceedings by greater secrecy, to trust the king more, and to confide less in those about him, many rocks had been avoided on which unhappily they struck. Some things they would find in the king, but some things also in themselves, that occasioned these breaches. The road they walked was a troubled one, whether diffidence in the king, jealousy among themselves, or want of secrecy in their business, led them into it. "The distrust of a sovereign," pursued Eliot, "is ever as disadvantageable as the hate of an enemy; and where we are not confident of ourselves, what can we expect from others? It cannot be but inconveniences will follow, where precautions are not taken; and therefore I shall earnestly desire, before you enter into any particular disputes, that you will, upon this general, a little reflect what hath been, and from thence consider what may now be done."

He then detailed his own experience (already quoted*) of the elder of the two last unfortunate assemblies; and afterwards, with as much wisdom of purpose as moderation of tone, dwelt upon the closing agitations of the great parliament of 1620 by way of warning and teaching for their present guidance. It would not do, he said, to evade them; nor, after such bold speaking of their predecessors, did it become themselves to be silent. "It were presumption in me," he said, "that have nothing but on credit from that last assembly, to make so near a search or censure only of the effect; but you will pardon me to complain, who lost some hopes in that public adventure! I fear, Mr. Speaker, the rocks on which you then struck were not natural, but cast in the way by some subtle art to prevent the passage of your duties to the king. Neither can I think that by such means the intercourse was more easy for his majesty's love to you, but rather that, by oblique winds and tides, his graces were sometimes diverted or prejudicate. This I am most confident of, both concerning his majesty and the house; that never king with more gracious resolutions for the comfort and benefit of his subjects called a parliament, nor subjects with more sincere affections came devoted to their prince. But in this doubtless there was some misprision, and between his majesty and the house stood some false glasses, that reflected not the true sense of the object, but with colours and illusions wrought deceit.

"The greatest doubts (as I conceive) the king had of the parliaments, concerned his prerogative: his majesty being persuaded that their liberties did intrench upon him. The fears the parliaments had of the king were, that by his prerogative he sought to retrench and block up the ancient privileges and liberties of the house. This made the insistence strong on both sides;

* *Ante*, p. 25.

“ the king maintaining his royal power, the house contend-
“ ing for their privileges; whereas, being well distin-
“ guished, both might have enjoyed their own without
“ impeachment of the other's right. For the king's prero-
“ gative, no man may dispute against it; it being an in-
“ separable adjunct to regality. It has its example in the
“ first and greatest monarch, the King of kings; who re-
“ serves to himself, besides his laws, a power to save;
“ which Seneca calls *proprium regis*, and we his prero-
“ gative. For the privileges of parliament, they have been
“ such and so esteemed, as neither to detract from the honor
“ of the king, nor to lessen his authority. They conduce to
“ the liberty of this place, that we may here freely treat and
“ discourse for the public good of the kingdom; and I
“ take them to be a main base and prop whereby such
“ good doth subsist.”

In very noble and dignified phrase, without com-
promise but without offence, he proceeded to vindicate
what had then been done, and thus to give in his
adhesion to the memorable Protestation of the Commons.
“ For, as parliaments have been ever held to be the chief
“ support and pillar of the kingdom, so is this privilege of
“ parliaments essential to their existence: by which opinions
“ are plainly delivered, difficulties beaten out, and truth
“ resolved upon. Were it otherwise, men fearing to dis-
“ please would blanch those propositions that might have
“ question, and silence their understandings in matters
“ of most import. And in this, the Protestation of the
“ Commons last made gives me great satisfaction, as
“ proceeding from excellent deliberation and advice. Its
“ reasons were well weighed. Such had been the habit
“ and long use of this place. Still had its way been
“ held with jealous regard to the honor and dignity of
“ our head, the king. More for his sake, than ours, it be-
“ hoved that such liberty be allowed. The business is
“ the king's; the kingdom hath its representative in the
“ king. In him our resolutions rest. We are only called

“hither upon either the general affairs of the kingdom or
“the special propositions of his majesty, and therein but to
“deliberate and consult, not to conclude. Without our
“privileges we should fail to perform that duty. And
“can it be thought that in claiming them, in order that
“we may facilitate his majesty’s resolutions and ease him
“in the consideration, leaving the end still to himself, in
“this can it be thought there is any diminution or de-
“rogation to regality?” This latter point he handled
with earnestness, supporting it by reason, by precedent,
and by considerations of personal advantage to the king
himself; all expressed with an unmisgiving unaffected
sincerity, never now to be read without pity and wonder
at that madness of misgovernment which drove into
ultimate active resistance to their princes men so simply
and so profoundly loyal.

“It was held an incomparable wisdom in Henry the
“third, when, after many agitations and turns of state,
“wherein he had involved himself by other ways, he at last
“applied himself to the parliament and made that his
“counsellor. Therein he lost neither authority nor repu-
“tation; for both his estate and dignity were before
“engaged to such low conditions, as I fear to speak of.
“By this, however, he not only recovered that again, but
“gained so much upon the affections of his people and in
“the opinion of others, as there was nothing wanting
“to him, either with strangers or at home, of what he could
“desire. In the hearts of his subjects, he had so much
“as they voluntarily offered, or more than he did need.
“In the account of others, he was after held so singular as
“his government was a pattern. What he referred to the
“parliament, was not lost to himself; but all the wisdom
“and judgment expressed there became merely his. *Our*
“*whole story seems but a continual instance of this.* Our
“acts of parliament have ever expressed the wisdom and
“excellencies of our kings; for, whosoever be the labor,
“the honor still reflects on *them*, and the reputation only

“ bears their names. And the advantages otherwise which
 “ the kings of this land have received by parliaments, are
 “ such as they should not be forgotten. Besides the
 “ infinite subventions and contributions granted here,
 “ the fines and mulcts imposed upon great officers and
 “ delinquents (I am sorry I should bring these two so near
 “ together), their fines, I say, that have been questioned
 “ in this place, have often enlarged the treasures of our
 “ sovereigns. And it was a practice much used in former
 “ times, when officers and great men were swollen with
 “ corruption, to have them purged in parliament; that the
 “ hate and envy might be taken from the prince, and yet
 “ he receive the benefit of their punishment. And the sub-
 “ jects have been so much affected to see these sponges
 “ of the commonwealth squeezed into the king’s coffers,
 “ that, as it were in congratulation, they have offered for
 “ themselves when nothing hath been wanting. And
 “ this methinks should endear the credit of our par-
 “ liaments, that they intrench not upon, but extend, the
 “ power and honor of the king. The parliament is but
 “ the representative body of the kingdom by contraction
 “ drawn into the centre; like the sun taken thro’ a glass
 “ to enforce the strength and heat of his reflection; and to
 “ this form and station it is not of itself that it is thus
 “ moved and occasioned. *Corpus jacet inerte et cessaturum*
 “ *si nemo moveat*, say the philosophers. The body is dull
 “ and unapt where it hath not a spirit to move it.
 “ Should not this spirit be in the heart, the king that hath
 “ called us hither? Are not his graces the beams which
 “ thro’ this perspective, the parliament, are to be derived
 “ to the life and benefit of the subjects? How then can it
 “ be imagined we should attempt against him by whom we
 “ are? The reason of sympathy and participation, as well
 “ in policy as nature, holds inviolable. What prejudice
 “ or injury the king shall suffer, we must feel. He is to
 “ us, as we are to the country, our very self. He is the
 “ representative part, our principal part, by the judgment

“ of all ancient and modern philosophers. For the controversy hath only been between the head and heart, and he is both. He is *vinculum per quod respublica coheret* (as Seneca calls him) *et spiritus vitalis quem hæc tot millia trahunt*. He is, in the metaphor, the breath of our nostrils, and the bond by which we are tied one to another. Then can it *not* be we should attempt against, or in anything neglect, the honor of him who is so much our own ! ”

Whence, then, had proceeded the mistakes and misinterpretations by which they had all so greatly suffered? Eliot was prepared with an answer, and to some partial extent with a remedy. Tale-bearers to the king were sitting in that house, and their powers of mischief might be abridged by some general tie of secrecy, not to be broken without grave penalties. The power of securing that their deliberations should not be prematurely divulged, was wanting to no council but that. “ More upon mis-report,” said Eliot, “ than the defects of any from these seats,” turning from the benches occupied by himself and his friends to those at the Speaker’s right where the privy councillors sat, “ *most* upon mis-report,” he resumed, “ have been grounded the mistakes that have been this way heretofore. We, I know,” again glancing at his friends, “ have made it ever our special proposition, by all our labours and endeavours, to exalt and magnify the king, in whom consists the glory and honor of the kingdom. But others have been active to sow distrust. With them rests that spotted fame which hath dispersed and scattered jealousies, thro’ the untimely delivery or report of those things still under debate, which are here conceived before they are brought forth. For, in the dispute, all things are doubtful and uncertain ; which, in the resolution, conclude happily and well. Being so taken before their times, they may easily fall into misprision, and so cause their authors to be suspected. Thus is it, I fear,”

continued Eliot, with touching and manly reference to the harshness of Philips's imprisonment, "that some have
 "been heretofore traduced whose meanings were as far
 "from danger as outward happiness hath been since
 "from them. I speak it not in pity of their sufferings, if
 "they have deserved it; but in sorrow for this place,
 "that had not credit enough to judge of itself, but must
 "give up its members to suffer from his majesty's dis-
 "pleasure. To prevent such future inconveniencies should
 "be now our labour. Let us endeavour that we be not,
 "now, broken or interrupted in the success of our at-
 "tempts. And let us watch, for the first, our own
 "private jealousies and distractions. As the fault seems
 "to be mainly in ourselves, so must be the remedy.
 "We can only safely provide it by some general tie or
 "obligation here, of truth and secrecy amongst ourselves.
 "In no council else, but this, is such a security wanting.
 "Let us further appeal to his majesty either to reject
 "the whispers of our enemies or no longer to believe
 "them. It is those who fear our parliaments that traduce
 "them, and in the report deform the privileges of this
 "place according to their false intentions. Of himself
 "his majesty cannot misconceive us. He is wise; *et*
 "*omnis sapiens est bonus*, saith the master of wisdom.
 "Therefore I have no doubt but of himself his majesty
 "will allow us all the privileges and liberties that may
 "advance our counsels; and to this end I could wish that
 "we might now specially petition him, and with some re-
 "monstrance in this point humbly desire the continua-
 "tion of those favors that our ancestors have enjoyed."

With a becoming dignity and spirit Eliot closed.
 "I doubt not, when his majesty shall truly weigh us and
 "our loyalties, and compare us with the former time,
 "but he will be pleased to grant what we now ask.
 "Which, as it will beget confidence, so will it add diligence
 "to our endeavours both for the general good and his
 "majesty's particular satisfaction. Without it the same

“ hazards may follow us that before have been to others. Let us be wise from others’ suffering. Let us take prudent counsel that it may not, after much travail and time, be said of us as it was of the sailor, who, when taken from his harbour and with contrary winds and seas much tossed in a long storm, was enforced at length to put back again. *Non multum ille navigavit sed multum jactatus est.* Let not our epithet be, that the trouble and danger incurred by us was more than the profit of the journey.” *

That a very great effect was produced upon the house generally by this speech, there can be no question; but to the suggestion with which it ended, that they should then specially take means for ensuring the continuance of those favours their ancestors had enjoyed, resistance was offered by two distinguished men who on previous occasions had been most prominent in connection with the subject of privileges, and who now used such language as to leave little doubt that Buckingham had privately communicated with them. Mr. Alford said that “*when time should serve* he would concur with that gentleman” in his desire to leave that place as free to their successors, as their predecessors had to them; and the most proper course would in such case be, to have a select committee and draw an act declaratory, stating that these and these were our privileges, and petition for the royal assent. But Sir Robert Philips spoke altogether more decidedly. Expressing his gratitude to Eliot, he yet condemned his proposal as ill-timed. He did not, he said, that day expect such a proposition. Serious matters pressed, and their meeting had been brought about by not much less than a miracle. With no irreverence, but in all earnestness and good faith, the pious speaker went on to say that the prince had been playing the part of the Son of Heaven by mediating between them and his father. In gratitude, they

* From the MS. speech in Eliot’s handwriting among his papers at Port Eliot.

were bound to govern the proceedings of that parliament wifely and obediently. Nevertheless, Sir Edward Coke came to Eliot's rescue, and having in effect supported what the other had said, the matter resulted in appointment of a committee "not above twelve" to take into deliberation the liberties and privileges of the house, and consider of a way to maintain them in time to come.*

The feeling as to Buckingham, and the position assumed by the leaders in relation to him, were decisively shown in the subject next brought forward. The Chancellor of the Exchequer reported the duke's account of the Spanish business as delivered on the previous Tuesday, with addition of the comment it had provoked from the Spanish ambassador, that such dishonour had been done to his royal master by the narrative as nothing but the head of the narrator could atone. And whereas, cried Philips scornfully, no other expiation will serve but the duke's head, yet should he hope to see that head on its shoulders when many thousands of *their* heads should be —— "Clear him, then, by unanimous vote! clear him," shouted honourable members; whereon old Coke took up the cry, and delighted the house with one of those plays on words which made the prince say he never tired of hearing him, he so mixed mirth with wisdom! "And shall he lose his head? Never any man deserved better of his country and king: and shall he lose his head? What! is the Spaniard Mundimarre whom we thought Gondomar?" A general vote straightway acquitted the duke of all blame, and declared his Spanish narrative to have merited, from that house and the commonwealth, a great deal of thanks. When the poor king received this vote, he was sorely troubled between vexation at the duke's popularity, and dread of giving utterance to it. Eliot had taken no direct part in the resolution, but he was one of the deputation that carried it to James. His position was unusual

* *Commons Journals* i. 719-720.

and exceptional; for he was known as one with whom the duke was still nearly connected in official business, and had been formerly on terms of intimate intercourse, yet he was the only prominent member of the country party who held his course, at present, in manifest independence of the engagements which to some extent appear to have fettered all the rest.

Two days after these occurrences, Rudyard opened a debate on the two treaties, for the marriage and restoration of the Palatinate, in a strong speech for war. It was just the occasion for Rudyard's effective interposition. His eloquence gave him a position with the popular party in the house, and his place in the Wards gave him trust and authority with the court. He had more than once been the *deus ex machinâ* to reconcile powers in conflict; and now that a union was to be declared, he interposed to confirm and cement it. Never had he taken so decided a tone. He was loudly for war. That was the only chance left. Protestantism appealed to them. Scattered and disunited in Germany, supplanted in France, threatened in Holland, she turned to them as to her last hope of succour. The Low Countries were her outworks and barrier; and therein was lodged the jewel most precious to Englishmen, the eldest daughter of England. Let them but make Ireland secure; and then, by a war of diversion against Spain, they might relieve the Low Countries, reunite Protestant Germany, and recover the Palatinate. To like effect spoke Philips and Sir Francis Seymour; the latter calling to mind, that in the very thick of these vaunted treaties, now crying out to be abandoned, Spain had turned out of doors their king's daughter and her children; and afterwards followed Coke, who declared that the very mention of war made him seven years younger. Never had they been so thriving as when at war with the arch-enemy of freedom. With their forces ready, Ireland secure, and the Low Countries aided, they need

not fear Turk, Pope, Devil, or Spanish king. Then rose Sir John Eliot, and gave his voice also against the treaties, and for the "more manly English way." There had been speaking enough, and better for them now to do than to speak. Let them look to their forts and their fleet. At the last conference it had been signified to them that several of our ships were at present stayed in Spain. Let his majesty be counselled of the urgency of immediately providing a sufficient fleet. War alone now could secure and repair them; and in such a cause let them obtain the special funds required for additional ships, by enforcing arrears of penalties against recusants.* Quite as much to displease as to satisfy the court, must have presented itself in this speech; but Pym seconded the eloquent vice-admiral, and an address to the king was unanimously voted advising him to declare both treaties broken.

Eliot went up also with the deputation that carried this address to Theobald's; and it is noticeable that on their report to the house a few days after, opposition to any immediate decision on the king's reply came from Eliot. Mr. Recorder had declared his majesty's address to be of unequalled grace, and that their king was above all recorded kings in wisdom and in speech. The member for Newport nevertheless had his doubts. Since their return, he said, strange reports had given a different gloss to passages in that gracious answer, and he would move to interpose some time so that all members might have copies, and opportunity for debating and treating of the things therein propounded.† In the end the house agreed, and such was the course adopted.

The king was in truth become now so helpless in the hands of his son and the duke, that they had not only to vouch for what he said, but to explain its meaning. When the advice for breaking the treaties was first carried

* *Commons Journals* i. 675.

† *Ibid.* i. 679.

to him, he told the deputation he was very poor, and that if they drove him into war they must supply him largely. But he further told them that the money given should be spent by treasurers appointed by themselves, and that, though war and peace are the prerogative of kings, he should accept no peace without consulting them. However he also told them that whether he could in honour and conscience engage in war, must be a matter for himself alone to determine; and he again informed them that his exchequer was empty and his debts enormous. When both houses afterwards went up to him, he snubbed their spokesman, archbishop Abbot, for assuming him to be at last thoroughly sensible of the insincerity of the Spaniard; and he sent them away with the startling demand of seven hundred thousand pounds to begin the war with, and annual payment of a hundred and fifty thousand towards his debts. Amid all his ebbs and flows of agreement and discontent, to only one thing he steadily adhered.* If they were to

* A more curious contribution has seldom been made to history than the publication, in the *Hardwicke State Papers* (i. 399-472), of the correspondence between the king, prince, and favourite, during the Spanish journey, and before and after the assembling of this parliament. There is one letter of Buckingham's in which the dear dad and gossip's "most humble slave and dog," as he subscribes himself, takes so bullying a tone, reveals so plainly the lengths he is prepared to go in his passionate spleen against Spain, and is at so little pains to conceal his secret compacts with the popular leaders in parliament, that it is almost a necessary illustration of my text. Its date is exactly at the time named therein. "I beseech you to send me your plain and resolute answer, whether, if your people so resolve to give you a royal assistance, as to the number of six subsidies and fifteenths, with a promise after, in case of necessity, to assist you with their lives and fortunes; whether then you will not accept it, and their counsel to break the match with the other treaties; and whether or no, to bring them to this, *I may not assure some of them underhand*; because it is feared that when your turns are served, you will not call them together again to reform abuses, grievances, and the making of good laws, for the good government of the country: That you will be so far from that, that you will rather weary them with it, desiring nothing more than their loves and happiness, in which your own is included. Sir, I beseech you think seriously of this, and resolve once constantly to run one way. For so long as you waver between the Spaniards and your subjects, to make your advantage of both, you are sure to do it with neither." *Hardwicke*, i. 466.

take his power, he would have their money; and this led to fundry debates and conferences for a more precise settlement of terms, in all of which Eliot took active part. He was one of a committee with the lords "on "his majesty's estate," to which, after conference on the 11th March, the Lord Treasurer sent assurance next day of "his majesty's resolution to call parliaments oft, to "make good laws, and redress public grievances."* But that was not the explanation wanted. "We had no "doubt here yesterday, as among the lords," was the answer. The king's "particular debts" were a thing apart from the necessities of the war. They would be in no fit state to relieve *them*, till they had enabled the subjects to do it by relieving their grievances. At last the prince and duke had to interfere with assurance that a smaller sum would suffice than had been asked, and with explanations on other points.† "Only let my "father get his sword out," said Charles, softly, to those about him. "It is a long one, and he'll not find it easy "to get it in again."‡

The position of Eliot at this time, as I have said, was in every way striking. Though not practised in debate, he was already not only a leading speaker, but accepted as mediator between two sections of what were called the country members; those who had "undertaken" for the manageability of the commons on certain conditions obtained from Buckingham, and those who resented all such undertaking upon doubt of its expediency or of the sincerity of the parties to it. The house had manifestly been impressed by the practical turn of all the speeches he had made; by his courageous and frank assertion of their privileges; by his choice of such points of a subject in debate as his public experience in the naval

* *Commons Journals* 11th and 12th March 1623-4.

† See Rushworth i. 119-131. The whole of the account is worth study. The reader will observe the clear participation therein of the prince as well as the duke (p. 125). See also Hardwicke's State Papers i. 467.

‡ S. P. O. MS. 17th March 1623-4.

administration gave him most authority to treat ; even by the known facts of his old connection with Buckingham ; and, besides his power of eloquent expression, by his business-like decision of tone. But his ability as a speaker, pre-eminent as it was, would never so quickly have obtained for him this position, if the independence so constantly denied to him in later time, had not been unreservedly conceded to him by his contemporaries ; and it was the fact of his being able honestly to combine with it so ardent an advocacy of the war as to become practically the most efficient supporter as well of the "undertakers" as of Buckingham, which gave him so important a place in the present deliberations. What Mr. Chamberlain wrote to Sir Dudley Carleton at the moment these matters were in progress, will make it still more intelligible. "Divers speeches and answers from the king have had need of interpretations and explanations, which nevertheless are not so satisfactory but that scruples remain ; and they are so wary and cautious on all sides as if they were to treat with enemies, and in danger to be overreached. Where the fault now is I know not, but they are very suspicious. Neither will they be led away by Sir Edwin Sandys, Sir Dudley Digges, and Sir Robert Philips, for they have so little credit among them, that, though they speak well and to the purpose sometimes, yet it is not so well taken at their hands ; for still they suspect them to be favourites, *and hold them for undertakers.*"* Among men so suspicious, and with such grounds for suspicion, it behoved all to walk warily ; and Eliot, whose antecedents were known, and of whose recent imprisonment none could be ignorant, was

* State Paper Office, MS. Chamberlain to Carleton, 20th March, 1623-4. The letter has been printed from a transcript by Dr. Birch. (*The Court and Times of James the First*), 1848, a book so incorrectly printed, that no quotation can be safely made on its sole authority. The same remark applies to the companion volume on Charles the First's reign.

the last to have escaped question, if such had been possible.

He did not scruple indeed directly to invite attack, if it could with any fairness have been made. The occurrence was trivial in itself, but is of value as an illustration; because the remark it drew from him he could hardly have hazarded, if his own position had been one of personal dependence or political subserviency. He was active in all the committees revived from the last parliament for investigation of complaints against the mal-administration of the various courts of justice. Among the petitions presented in consequence of these committees, was one from the wife of a person named Grys, complaining of wrongs she had suffered from the court of chancery, and appealing against the long delays of that court. To this petition, however, which Sir Robert Philips specially reported to the house, Sir Edward Coke objected; telling the house that the woman was half distracted; that the wrong she complained of occurred in "Egerton's time;" that he was now gone; and that it was unusual to complain against the dead. But after some discussion it was resolved that the grievance in question, with others, should be argued by counsel before a sub-committee; and this sub-committee was about to be chosen, when Sir John Eliot interposed. He warned them to be careful in their choice, for he knew of what importance it was that the "cries of the vexed subject" should be heard by unbiassed men. He desired them to "have a special care" that its members should "have no dependence upon men in place." He suggested further that it would be better to have no lawyers upon it; that it were more just to "have countrymen, that have no dependence."* There are probably not many who will think these words likely to have been spoken by one who laboured himself

* *Commons Journals* i. 739. (17th March.)

under the odium of what they so earnestly condemn. Not on that occasion, nor any other, did his opponents hint at such a charge. I find the patriotic old lawyer replying to this earnest appeal, with a statement of "great inconvenience by having such a sub-committee," and an entreaty to "have it well considered of:"—but no reproach to Eliot. It will occur to me hereafter to show, explicitly, what kind of character his relations with Buckingham were now slowly assuming; but for the present these indications mark it sufficiently.

Shortly after that friendly encounter with the famous ex-chief justice, Eliot had occasion to deliver himself, upon discussion of a private bill, in a manner yet more characteristic of the opinion he had formed both as to law and lawyers. A suit called "Duncombe's case" had caused great excitement in the courts. The law of England appeared to have settled that the rights of a son born in wedlock, though the mother was so living at the time that the husband could not for a period of more than two years have had access to her, were indefeasible; and a bill had been introduced for disinherison of this supposed but spurious son. Eliot supported it with his utmost warmth and vivacity of manner.*

"Mr. Speaker," he said, "though the letter of the law, by the judgment of these lawyers cited, does approve it, the reason of the law (and all law was first grounded upon reason) does deny it. Can a man beget a child that never yet knew woman? Or can that man be father that never got a child? Surely, whatever the law may say in determination of this point, whatever may be suggested by the lawyers, both reason and nature are against it. In this case I had far rather trust the judgment of physicians than of the

* No trace of the speech I am about to give has yet found its way into print. The notes of the speech, with a memorandum of the occasion on which it was spoken in the house, are among the Port Eliot manuscripts.

“law. I know what will be said: not that law would
 “affirm it, but only for certain secrets would suppose it,
 “and so by admission in particulars make a conclusion for
 “the general. A husband, having been within such a
 “distance in such a time, *may* have had access unto his
 “wife, and so have begotten her with child. Therefore,
 “not because of the individuals in this case but of the
 “generals, he shall father it. To which I answer, that in
 “this particular case the masters of the law themselves
 “will answer No, unless he have lain with her; unless he
 “have known her in such time as is naturall for women
 “to go with child. *Ponere impossibile absurdum est.*
 “To suppose an impossibility is not worthy of the law;
 “and this man, that has not known his wife, that has not
 “seen her within two years’ space and more, can be no
 “more adjudged the father of the child in question than
 “the language in which that law was written (if such
 “there be) may be esteemed the primitive tongue.”

With much point and humour Eliot added: “But per-
 “chance it will be said the law in this case does dispense
 “with reason, and assume a property in itself to make this
 “lawful. Sure I am, however, that herein neither reason or
 “nature can so dispense with the law. That were to give
 “it a power the pope pretends to, to legitimate or other-
 “wise at pleasure: wherein, besides the prejudice of his
 “holiness, what inconveniences would else follow I shall
 “leave it to your judgments. Let us all here, Sir, reflect
 “upon it. We are here in this service for our counties
 “or the like. We may be continued here a long time;
 “and we have wives and estates at home.” We may
 imagine the laughter and cries of assent that interrupted
 Eliot at this home-thrust. With a quiet dignity he re-
 sumed and closed his speech. “I take no pleasure in this
 “dispute, nor am willing to search too far the mysteries
 “of the law. Our fathers might have errors, as our-
 “selves; and where there is error in the man, there may
 “be error in his works. But as I have always thought the

"law was grounded upon reason, I shall still believe so ;
"and, with the consent of the lawyers in this point, I shall
"likewise be confirmed in that opinion which I have ever
"had of their deservings. But to be taken with a word,
"because they speak it ; or to believe that law, which is
"not reason ; I must crave pardon for my ignorance.
"Their eloquence cannot lead me !" The result was
that the bill passed.

Two days after that incident the debate on supply began, and in the course of it Coke explained to the house that if the entire demand made by his majesty were complied with, it would, taken with the hundred thousand pounds already promised in a single subsidy and fifteenth (a subsidy being seventy thousand and a fifteenth thirty thousand pounds), and with the twenty thousand offered as subsidy from the clergy, amount to no less a sum than nine hundred thousand pounds. "Almost a million!" cried Coke ; "more than all England could ever raise with
"any conveniency !" His proposition therefore was to divide this sum into three parts, and to vote only the first three hundred thousand for the present ; which, in order that all the burden should at first be laid on the wealthier sort, he would raise wholly by subsidies, without fifteens. Some were nevertheless for at once voting all. Old Sir John Savile of Yorkshire, who took active part in the discussion, would have had it referred to a committee ;* but this, though supported by Mallory,

* This proposition for an adjournment (for such it would practically have been) was so violently resisted, that (as I find from a report in the Harl. MSS.) Sir Dudley Digges had to interpose with the remark that "it was the
"old fashion of parliament, if a man spoke absurdly or distastefully, not to
"cry him down, but for him to be answered or checked : " whereupon Mr. Selden, famous already for his *Titles* and *Tithes*, and whom Lancaster had sent for the first time to parliament, made his maiden speech. "I will not speak
"to the great matter in hand," he said, "nor to the orders of the house, being
"so young a parliament man, but yet I have been no stranger to the journals
"of either house, and have found that the pettiest business hath not been
"so precipitated." He was favourable to adjournment, but his argument was not sound. The pettiest business might for that reason admit of delay, when the most grave did not.

Alford, and Seymour, who doubted if the people *could* give so much, was overruled. Sir James Perrot thought the entire sum would be insupportable, unless moderated by the time and manner of the levying. Mr. Pym did not object to the amount, but a limitation as to time was necessary, for the ease of the subject. Sir Henry Anderson of the north descanted strongly on the danger of not giving. What the vice-admiral of Devon had recommended, on the address, he would now repeat. Let them shut the back door, throw up at once their wooden walls, and give succour to their best friends: in other words, secure Ireland, raise speedily a fleet, and help the Protestants of Bohemia. In effect the vote was ultimately what Coke had suggested; but, upon objection from the Solicitor-General, who thought it a dangerous example in such a case to omit fifteens, it was taken in the form of three subsidies and three fifteens to be paid in one year, with conditional pledge for more when more should be indispensable.

Eliot spoke early in the debate, and with an effect that contributed to the immediate decision. He was against delay. He was for as much as could be voted then, and for all when the time should admit of it. Much needed to be done for the ports and harbours, which for the most part were defenceless. Let them not vote grudgingly. All that there presented itself for consideration lay within a narrow strait. On the one side were present necessities, on the other future inconveniences; and of the evils it was their duty to choose the least. He had himself been much dejected, at first, because of his majesty's answer. But those misgivings had since been resolved by the prince ~~this~~ his highness [Buckingham he named not, nor referred to]. That wrongs had been committed by the treaties, no one could doubt. The extent was too apparent to which they had prejudiced England. Nor was it any real force or power in Spain that had done it. *Non tam*

potentia sua, quam negligentia nostra. Let them now repair the wrong. The inclination and disposition of the king they all knew. Their common interests were at hazard, their friends at pawn, their religion at stake. He would have them strain at once, to be made safe for once and all. "Are we indeed poor?" cried Eliot. "Be it so. Spain is rich. We will make *that* our Indies. Break with her, and we shall break with our necessities also." But above all, let their decision be speedy, or their very intention might turn against them. Such was the impression on Eliot's resuming his seat, that Mr. Treasurer thought it right to state his objection, at that time, to speeches of which the object was "to stir up our affections."

Certainly there was small need of excitement, either within or without. Quite unexampled was the popular feeling that broke forth when the voting of the supplies became known. Not till then, it would seem, had the common people trusted themselves to believe that the intentions against Spain were real. Bonfires were made thick to the very gates and doorways of the Spanish embassy.* All the world in the city ran in debt for faggots and gallons of wine. The Spaniards connected with the embassy were everywhere insulted, to the great joy and exultation, as the aristocratic Wentworth phrased it, of the cobblers and other bigots and zealous brethren of the town.† One of their friends brought it before the house next day. Well then, said Sir Robert Philips, let the people be punished. Better

* Laud records them characteristically in his Diary: "March 23, Tuesday. That afternoon the king declared to the committee, that he would send a messenger presently into Spain, to signify to that king that his parliament advised him to break off the treaties of the Match and the Palatinate, and to give his reasons of it; and so proceed to recover the Palatinate as he might. Bonfires made in the city by the forwardness of the people, for joy that we should break with Spain. *O quoties tenuit me illud.* Psalm lxxviii. 30. *Dissipa gentes, quæ bella volunt: sed spero quia coacti.*"

† *Strafford Letters* i. 21. Wentworth to Wandesforde.

make inquiry, said Eliot. Coke had his doubts. Mr. Maynard protested he had walked up and down the streets from eight to ten the previous night, and saw nothing but enjoyment, no disorder. The matter had better rest where it was, for it was probably a fiction. And so it was left.

But at court itself things were now little better than among the cobblers, bigots, and other zealous brethren. All the fine lessons of Castilian, learned while the prince was in Madrid, had been unlearned on his return with a mighty rapidity. Sir George Goring was a model courtier; and he could not now express better his devotion to a patron than by wishing that, if he failed to serve him, the hottest Spaniard, surfeited with raw bull's flesh and garlick, might spit in his face.* Our courtiers that were in Spain, wrote Chamberlain to Carleton, "begin now to open their mouths and speak of where they found nothing but proud beggary, coarse usage and entertainment, besides all other discourtesy." In no less a degree was the poor king driven to change *his* tone also, at the bidding of his unpitying task-masters; and he who, but eighteen months ago, had declared himself, as an old and experienced king, free and able to punish any man's misdemeanours in parliament, was now fain to tell the Spanish ambassador, through his secretaries, upon personal complaint of the language of Eliot and other members of the commons, that the house was an assembly of the chief gentlemen of the kingdom, and that freedom of speech was their hereditary privilege.†

One more incident of some importance occurred in the matter of supply. Upon the report of Sir Edwin Sandys from a conference with the lords, on the 1st of April, a recommendation was made for anticipation of the subsidies by an immediate loan, on the ground of the

* S. P. O. (MS.) Goring to Carleton. 31st October 1623.

† S. P. O. (MS.) March 1623-4. The matter had been referred to Calvert and Conway.

pressing urgency of at once setting forth a fleet. Intelligence had been received of as great a navy in preparation in Spain as in 1588; and that, at Dunkirk, a great many flat-bottomed boats were in readiness to land men. And for all this preparation the only pretence urged hitherto had been, the journey of the infanta. Philips hereupon adverted to the thinness of the house, and suggested a day's delay for so weighty a proposition. Eliot did not resist this, but added his testimony to that of Sandys and the Solicitor-General upon the great importance of the subject. The intelligence had been conveyed, he said, in letters to the lord high admiral, of which he had that morning had sight. The debate ought to be taken early next day. The season of the year required haste. The vice-admiral had doubtless been called to sudden council at the admiralty upon the course to be pursued.

On the 24th of the same month the money voted was ordered, on the motion of Eliot, to be paid into the chamber of the city of London; and the proceedings on the subsidy bills were closed by a further speech from the vice-admiral proposing thanks "to the prince, the king, and God for the happy result of their deliberations. He would have a message of thanks to the prince, to desire him to be our mouth of thanks to the king, and to intreat him there may be throughout the kingdom a general thanksgiving to God."* *Wondrous fine* this speech is said to have been,† but it has perished.

Before quitting this branch of the labours of the parliament so brought to a close, it is right that a few words should be said as to the condition proposed by the king and accepted by the house, that, in order to insure the application of the money to the purposes of the war for which it was raised, it should be

* *Commons Journals* i. 690.

† S. P. O. (MS.) Netherfole to Carleton. 25th April, 1624.

additional subsidies was void. The object was to be the recovery of the Palatinate. What had heretofore been sought by treaty was now to be achieved by war; and as the Spaniard was believed to be inextricably pledged to assist in withholding that territory from its lawful owner, war was to be made with Spain. It will be seen hereafter how far these terms were kept; in what manner the conduct of the war corresponded with its origin and motive; and to what extent Eliot was justified in the views on which he afterwards acted in opposition to Buckingham and Charles.

VII. PROROGATION AND DISSOLUTION.

But now, the war question disposed of, the house had breathing-time for subjects not inferior in importance, and did not omit the opportunity. Before mentioning these, however, Eliot's share in what may be called its ordinary business should briefly be adverted to. His name constantly recurs in the journals; and his attendance in committees appears to have been as unremitting as his participation in the business of debate. Questions of legal reform,* disputed points of university privileges, more equitable settlement of crown lands, are subjects in which he was prominent; and, with Coke, Philips, and Giles, he was repeatedly associated in carrying Cornish private bills. In the majority of the conferences with the lords, he acted as one of the managers; and we have seen with what jealousy he opposed, even against the popular members in communication with Buckingham, a relaxation of the privileges of the lower house, or an attempt

* *Commons Journals, passim.* In the questions affecting Wadham and Magdalen colleges he appeared very frequently. Often he suggests (as i. 684) the proper action of a committee, and practical solution of some difficulty in proceeding. Not seldom he is opposed in view, even in matters of no striking public concern, to Wentworth; as in a question affecting the lands of the Hertford family, which he opposed (10th March) on the ground that "as informed these lands are entailed upon the crown."

to put in abeyance any constitutional usage. So, when the ministers proposed, through Sir Guy Palmes, to have a bill drawn for continuance over to next session, in statu quo, of all bills in progress, that so they might "husband time" (and at any time have excuse for prorogation), the name of Eliot, in connection with those of Coke, Philips, and Digges, was found successfully opposed to it. Monopolies of every kind had a strenuous and unceasing opponent in him; and he never tired of reminding the house of the petitions (those "stinging petitions" as the king bitterly called them) "not to be forgotten against recusants:" but he never pressed harshly against an offender. A kind heart came in rescue of the strict severities of judgment. When Sir John Savile and others of the popular party pushed hard against the under-sheriff of Cambridge for an irregularity at the election, Eliot humanely interceded; suggesting that the custody already undergone, and the expenses incurred, were punishment enough. Coke seconded him; and "dismissal with a check" was all that befell the under-sheriff.

To the prosecution and punishment of a more important culprit which made this parliament memorable, Eliot, though not one of the managers, nor taking any early prominent part, beyond acting occasionally on the committees that conducted the preliminary inquiries, contributed at the close of the proceedings a brief but powerful speech. The sacrifice of the lord treasurer Middlesex to the just resentment of the popular leaders, had formed, there is no doubt, a principal item of the negotiation with the favourite that preceded the opening of the session.* Eliot was no party to that negotia-

* See the proceedings in the *Parl. Hist.* Even Carte thinks him to have been clearly guilty; and Nicholas Ferrar, a very conscientious person, was certainly one of his ardent accusers. Clarendon, Hackett, and others, believe him to have been sacrificed to Buckingham's resentment. For the committees of inquiry in which Eliot acted on the impeachment with

tion, and may have been reluctant in the first instance to take prominent place in a transaction directly resulting from it. Without implying the remotest doubt of the lord treasurer's guilt, as to which the line he took on questions incidental to it showed prominently his strong belief, this abstaining from any active interference in the early stages of the impeachment may have implied some misgiving as to the propriety of motive which impelled the proceeding at the particular time. That Lord Middlesex had been extortionate, had taken bribes, and committed malversation in his office, was as little questionable as that Buckingham gave him up to his prosecutors for none of these reasons. As he had raised Cranfield from obscurity for servile compliances, he was now hunting Middlesex to disgrace for having kicked at his patron. Williams himself only escaped the same doom by more supple and agile submission.* In vain the shrewd old king remonstrated. "By God, Steenie, "you are a fool; you are making a rod for your own "breech!" To no effect did he tell both houses that the lord chancellor's impeachment in the previous parliament was no precedent against a great officer of the state who denied the guilt charged against him, seeing

Sandys, Digges, Philips, Wentworth, Pym, &c., see *Journals*, April 12, 1624, &c. &c.

* See letter of Williams to Buckingham, 27th April 1624 (S. P. O. MS.) in which he has, with great opportuneness, a sudden fever; desires a substitute as speaker of the lords; and protests himself weary of this unthankful world, which he would not regret to leave, but from his wish to serve "so good a master, so sweet a prince, and so faithful a "friend and patron." Poor Middlesex was not less disposed to make *his* submission, too, but it came too late. There is a piteous appeal from him to Buckingham, dated the 5th September 1624 (S. P. O. MS.) in which, grovelling at his feet, he tells him that he has had proof of his power. Do n't utterly ruin me, he prays. He has paid dearly for his fault, he declares, and now grieves for his high and stiff carriage. By his hope of mercy he implores his grace—But his grace turned a cold ear, only not interfering with the crumbs of favour dropped by the king. Nevertheless, again the wretched ex-treasurer wrote, on the 21st February 1624-5 (S. P. O. MS.), to tell my lord duke his grace that he grieved far less at his own ruin, than at his estrangement, by misinformation of villains, from the duke!

that the Lord St. Albans had confessed his. In vain he warned both his son and the duke that they would live to have their bellies full of parliamentary impeachments. The commons were suffered to proceed, and they did so with an effect that was memorable. It was no longer possible for Eliot not to take final part, when, the case being proved in all its aggravation, attempts were made to exempt the offender, by very reason of the magnitude of his offence, from the due punishment that should attend it. For this he had reserved himself, and on this he spoke with a force and decision that contributed greatly to the result. The king had been correct in urging that the case of Bacon had been too feeble to establish a precedent with any certainty. But now, the grand constitutional principle that had lain dormant for more than two centuries was put into rigorous practice; the guilt of the accused having been made manifest, his punishment was deliberately voted; and a vital parliamentary right was restored, beyond further chance of possible recall, against all future ministers of the crown. "Oh! parliaments work wonderful things," cried Coke. "It was to no purpose my lord began to cast his circle and fall to his conjuring. Better he had not left his shopboard!"

With something of the same scornful and bitter allusion to Cranfield's origin, Eliot put in contrast the height to which he had sprung, not by honourable ambition but by base and unworthy practice. "The particulars of this case," he said, taking up the reference of a preceding speaker, "and the career of the person now in question seem indeed like a mathematical expression or description of some strange prodigious meteor, new observed, of which the effects may sooner be discovered than the reasons. The original of such bodies being uncertain, their natures hidden, their operations secret, and everything relating to them corrupt, they beget rather astonishment than admiration, and (tho'

“they shine gloriously for a while) threaten only ruin
“and disaster. They are nothing but as they derive
“from a higher than themselves. Actuated only, and
“set in motion, by the influence or attraction of the sun,
“their own matter and substance is an imperfect com-
“position of elements the very lowest and the basest.
“By that great power drawn up from their own sphere
“to be refined, but by reason of their natural hardness
“and resistance becoming monstrous in such height,
“their ends are too well known to be commended. I
“am loth,” continued Eliot, as if with sudden recollec-
tion that his allusions might be more widely applied,
“to strain this metaphor too far. I know, where
“now I am, what the times are of which I am to
“speak. Neither shall I willingly detract from honor.
“But I cannot impeach the sincerity of mine own
“conscience, which I hope shall always render me, to
“your opinions, worthy the service of this place. The
“greatness of the person whose cause is now in hand,
“gives me the greater will to speak that freely which all
“men will imagine. Where there is fault, there should be
“punishment. The justice of this house is too perfect
“and exact to decline to favour or respect. Reason does
“herein lead me. Where offences are committed, the
“greater the delinquent I must always deem the greater
“the delict; because such sin not only in themselves but
“are the cause of sin in others, whose acts their great ex-
“amples have misled. I confess they are a happy thing,
“great men and great officers if they be good, and one
“of the greatest blessings of a land: but power con-
“verted into evil, as Tacitus notes in corrupt magistrates
“and officers, is the greatest curse and cruelty can befall
“it.” Soon was that page of Tacitus to supply the
speaker with comparisons of other and loftier application,
and of a meaning more terrible. He now simply closed
with a plain and manly statement of the opinion he had
himself formed.

"I shall not trouble you again with repetitions. The enumeration of those particulars that have been charged and proved is needless: and the defence, how weak it is you know. But upon all to give you the sentence of a true English heart, though with much sorrow and grief that any man should so deserve it, I shall be bold to say of this great lord, how great soever, that I hold him to be, by that which is already known, which I am confident is the least part of that which he has done, unworthy the favor of his country, unworthy the favor of his prince, unworthy the employments of either! And so I would have him transmitted to the lords, from whom I doubt not but he shall receive a judgment equal to his demerit."

The judgment he did receive was not inappropriate or unequal to the sordid nature of the man. He was condemned to a fine of fifty thousand pounds, to be imprisoned during pleasure, and to be excluded from parliament and the verge of the court.*

James remitted as much of this punishment as he dared safely do; but there was no longer even the show or mask of a good understanding between him and the commons, though he was happily too deeply committed to be able to refuse his assent to various bills which had been in progress all the session, and above all to that ever famous bill revived from the previous parliament, abolishing monopolies for the sale of merchandise, or for using any trade.

In promoting this enactment Eliot was prominent; and I have been so fortunate as to discover, among his

* "1624, May 13th, Thursday. Lionel Earl of Middlesex, Lord Treasurer of England, and Master of the Wards, censured in parliament for bribery and extortion, and deceiving the king, &c. To lose his offices. To be forever disabled to bear any. Fined to the king in 50,000l. Imprisoned in the Tower during the king's pleasure. Never to sit again as a peer in parliament. Not to come within the verge of the court." *Laud's Diary*. It was moved also, says Heylin, to degrade him from all titles of honour, but in that the bishops stood his friends and dashed the motion. *Life*, 118.

papers, the notes of a speech in relation to it, taking rank with his most masterly efforts, in which he opens up the whole question of impositions by prerogative. Still this all-important matter remained unsettled. Since the judgment of the exchequer in the merchant Bates's case, by which the judges affirmed the king's right to impose a duty of five shillings the hundredweight on currants over and above that of half a crown granted by the statute of tonnage and poundage, heavy duties on every kind of merchandise had continued so to be imposed; but from each successive sitting of parliament had issued the most determined remonstrances against the assumed power, as ruinous to the ancient liberty of the kingdom, and to the subject's right of property in his lands and goods. Such remonstrances, and bills prepared in accordance with them, had in effect led to the dissolution of the two parliaments of 1610 and 1614, in the latter of which Eliot sat; and the consequences to commerce itself had been disastrous in the extreme. The power which the king claimed for his prerogative, by the same assumed right he had extended to others; and out of the companies and individuals who had become the king's farmers in this matter, sprang the mischievous monopolies against which the bill was directed. But even these were not the worst evils. Some of the exports most in demand had been diminished more than half; many large traders had been beggared; and the merchant shipping of the country had fallen away to an alarming extent. All men out of the purlieu of the court saw the danger; but it was difficult to get some men, either without or within them, to see that the greatest sufferer after all was the king's revenue, which in a pre-eminent manner robbed *itself* by the means it took to plunder the king's subjects. Eliot's keen observation, while engaged in the duties of his vice-admiralty, had sufficed to show him this. The condition of those great harbours of the west had daily revealed it to him. And

now, applying the experience with a knowledge reaching far beyond his time, he undertook to exhibit it to others. Nor could better proof than this speech be given of the practical character of his mind, and of the manly sense with which, rejecting assumptions and everything unreal, he applies to the judgment and discrimination of public affairs that which obviously has lain within the range of his own observation.

Impositions by prerogative, he began by telling the house bluntly, were as little agreeable with policy as with reason. Reason affected not the cries and exclamations of the people, nor policy the unstrengthening of the state; yet these did both, and were in effect a grievance to the people and a weakening of the state. "But what is more," he continued, "tho' I know it will seem more strange, they are *ex diametro* opposed to the main point of their intention, the benefit of the king. And when they shall be taken upon a just counterpoise and weight, they will be likewise found unprofitable to the imposer, to him who hath obtained that monopoly: for however they carry a fair show at first, and for a while relish like all new things, in conclusion, with that hyena's face, *they bite*."

Eliot proceeded, after this striking commencement, with reasoning that, however far in advance of his time, could hardly have failed to produce a strong effect, by the mere force of its plainness, and simplicity of statement and illustration. That such impositions were a grievance to the people, he said, no man could doubt, if he considered that commodities which ought to be free received thereby such a tax as made them cheaper to the seller and yet dearer to the buyer. Ofttimes were men thereby enforced to pay for their own labours. The country was ever complaining for that which is here at home; the merchant ever in need of that which comes from abroad; and all men in general were undergoing the kind of inconvenience which they sooner feel than see. The system was eating, not

only by itself, but by its accidents in the shape of exacting and extorting ministers, into the heart and bowels of the kingdom. By detailed examples he then went on to show that impositions and monopolies were a weakening to the state by diminishing both the strength and power which naturally it possessed. It might appear many ways. "First, by disheartening the subjects, and making them not only less able but less affected; for the rule is *potestas humana radicatur in voluntatibus hominum*. Secondly, by impoverishing the subject and lessening his treasures, which are the nerves and sinews of occasion. For the gain to individuals is substituted for good to the general. The treasures brought in by the merchant are not of his own; and he, being discouraged in his benefit by the great charge of trade, wholly neglects it, or retires it to some special place or thing that may satisfy his own particular without intention of the common good. Of this we have had too much and late experience. Thirdly, they are a manifest weakening of the state in the decay of our navy. For, as the trade declines, the goodness and number of our ships must needs impair; of those ships which have been heretofore so famous, which have been heretofore so fearful to all our enemies, even with their name or sight obtaining victories. However of late they may not have been so fortunate, the fault was not theirs. They are still that wooden wall that must defend us, if there be cause, or the ancient oracle that so prophesied for the Athenians will speak us lost! Methinks this should of itself, without more reason, sufficiently disprove these impositions, and dissuade their use."

But the eloquent vice-admiral had a more startling argument in reserve. "Yet with the favour of your patience," he went on, "I will in the third place a little further urge, in proof of my supposition that they are likewise unprofitable to the imposer. This may seem a harder task; because experience will not yield to reason,

“and for the most part we look but to the present, not
 “heeding what is to come or what hath past. Yet in
 “this if we will but consult our memories, and view the
 “times before us, comparing them with those former, and
 “then suffer our judgments to weigh with reason what is
 “like to follow by consequence from both, I doubt not
 “but we shall derive something to show these impositions,
 “these fair-looking monsters, not upon all parts alike.
 “In the face I confess they are fair, and promise much.
 “They are a clear addition of a new income, where
 “nothing was before. They are a pure creation to those
 “that are to have them. To them they seem at first as
 “growing out of nothing, being raised so insensibly as
 “they perceived it not. But they are as the rib taken
 “from the man’s side, which did both weaken and deceive
 “him. So it is in these. When we have had time and
 “experience to view their back parts well, there we shall
 “find them altered. *Mulier formosa superne desinit in*
 “*piscem.*”

Eliot then, amid strong assent and sympathy from the powerful northern party, instanced the condition of the woollen cloth trade, their great staple. Here the restriction on exports, met by corresponding prohibitions in the States of Holland and other countries, had operated most disastrously throughout all the great cloth districts of Yorkshire and Lancashire. Nor less, Eliot now had undertaken to show, had they proved disastrous to the king’s revenue. “Take any large trade,” he said, “and consider how it stood for its commodities before they became severally charged with impositions. Then compare it with the present condition and state it now stands in, and you will find the small increase to revenue that such additions make. The trade of cloth shall speak it for the rest. As it is the greatest, it may well deserve most credit. Was the king’s benefit ever so much in that, now so heavily burdened, as when it paid but the noble of the pack? Surely no! And

“those that will, may see it both in the effect and reason.
“For that easiness made the merchant’s benefit more,
“while yet he sold the cheaper. That it was which so
“enlarged the vent beyond sea, where now, for the
“price, others under-creep us, and so forestall our mar-
“kets. From 80,000 they have brought us down to
“40,000 cloths a-year; and as it is in this so it is in all.
“The greatness of the charges lessening the merchant’s
“benefit, discourages him from trade, and makes him to
“desist, and every man so lost to commerce is lost to the
“king. Projectors fatten upon individual loss, but the
“king and the state are weakened. His majesty derives
“profit not from heavy duties on some, but cheapness in
“all. The number it is that will supply his majesty’s
“profit, if there be vent, and not only with advantage
“outgo all projects in that particular, but with an in-
“finite enriching to the whole kingdom, not only in the
“commodities, but in the labours of our men, to make
“them more industrious who now stand idle and do
“devour us. The town of Amsterdam can give us good
“testimony in this. There, as I am credibly informed,
“their customs come to more than in all England, and
“yet the proportion and rate not a third part of ours.
“What is the cause of this? The easiness of the charge.
“It is that which does not only quicken their own but
“draws other merchants thither. For, wherever the
“merchants’ benefit is most, there they resort; and
“especially that nation whose inclination hither we may
“easily discern. And would it not then be so with us
“upon the like reason? Yes, and much more. Much
“more; as we exceed in many opportunities and advan-
“tages which they affect and study, but possess not.
“Our harbours are more, our harbours are better, our
“harbours are nearer in the course and way of trade.
“And that which they fear there, the danger of an
“enemy, in whose view they pass into their own country,
“our coast is free from. So that, abate the customs,

“and they will be soon drawn hither. Here they will
“come to make their staples; and herein his majesty
“shall not only gain by the multitude of exotic impor-
“tations, but by the expectation of the same commodities
“that will pass hence to serve our neighbours. Their
“example too, with the same reason, will likewise stir
“our merchants; and this I conceive to be a clear
“demonstration of my third argument in proof of my
“opinion.”

Anything more convincing it would indeed be difficult to imagine than this plain and irrefragable statement. Among the elaborate arguments against impositions and monopolies handed down to us, exhausting the learning on one side and the other, this stands apart and alone. It goes at once to the root, and exhausts the common sense, of the matter. It was no part of Eliot's business here to discuss the legality. The illegality of such impositions had been repeatedly declared by parliament. His object was to show that they had none of the effects even alleged or desired by their promoters, and for this he had relied on what his own experience in the western harbours revealed to him. He had seen the carrying trade almost perish, and the pirate the only prosperous merchant of the sea. But there was another consideration he could not shut out, though apparently he had no wish on this occasion to set it forth too prominently. The discontent of the people under these impositions was becoming every day more formidable; but with consummate tact, as became the supposed present, however temporary, accord between the court and the country party, he contented himself by figuring it, and its dangers, under form of an historical anecdote.

“I am loth,” he said, “by instances to press it
“further or to show what bad effects almost in all
“parts of Christendom these new imposings have had.
“Germany, France, Italy, Spain, the Low Countries, all

“could speak too much in this. Nor will I stay to
“vouch the judgment of our elders, from whom I could
“have good authority. Only one further reason I will
“give you out of Fulgosius;* and if you please to take
“the story, it will not be found impertinent. The
“Genoese, sometime subject to the Duke of Milan,
“grieved at some great imposition which he had laid
“upon them. They sent an orator to the duke to
“entreat his favour and justice that the imposition might
“be laid down again. The orator, being come to
“Milan, found the duke celebrating the feast of St.
“John Baptist, which they there hold with such great
“solemnity as he could have no access for the delivery
“of his message to the duke. But from Genoa having
“been commanded to return a present answer, in the
“strait he invented a new rhetoric. Instead of an oration,
“he sent in a dish of basil and got it to be placed just
“before the duke. The duke, seeing the herb, and
“knowing it was not of common or ordinary use, en-
“quired from whence it came; and hearing it was from
“the Genoan orator, he instantly commanded him to
“give the sense of this novelty. The orator being
“therefore brought to the presence of the duke, know-
“ing it concerned his desires most shortly to be delivered,
“told the duke by that symbol he expressed the nature
“and condition of his people, with which it had great
“resemblance. For, being gently touched and handled,
“it rendered an excellent smell; *at si tritum seu pressum*
“*fit naribus molestum est*. The reason was there liked,
“and the resemblance, I believe, may hold with us.
“Which, how it does conclude upon my arguments, I
“leave it to your judgments. My endeavour has been
“only to show the inconveniences of these impositions,
“in respect of use; and to prove that, being a grievance
“to the people, a weakening to the state, and not pro-

* For an account of this writer (Cardinal Frédéric Frégose, or Fulgose),
see *Biographie Universelle*, xvi. 6.

“fitable to the imposer, they are neither agreeable with true policy or reason.”

Eliot then in conclusion suggested the course which he held it desirable that the proposed legislation should take, and practically these suggestions were made to form the basis of the bill. “And now,” he said, “to draw this to some conclusion fit for the present time, and to give you my opinion what I conceive necessary to be done. We are to consider that in point of right, as it has been often and long since in this place declared, these impositions are not legal, and that, in fact and use, they are inconvenient and full of prejudice; and yet we are to have regard to the reputation they hold in the revenues of his majesty, and that our affections may therein appear desirous not to abridge or lessen, but rather to augment the profits of the crown. I shall desire, therefore, there may be a special collection made of all impositions that are extant; that they may be particularly weighed and considered in these several importances and respects; and that such as shall be found and adjudged less dangerous in their consequence, may be past into an act and so made known and certain lawfully to continue. But that, in the same bill, all others may be revoked, with a declaration for the future that no imposition more be laid but by the general consent of parliament, and that he that shall counsel or collect them may be held for an enemy to the state. I hope this may give his majesty satisfaction that we desire not to retrench his just profits and revenues, and yet to preserve the interests of the subject freed from these great burdens and oppressions, and preventing for the future such kind of difficulties and disputes. To which end I desire there may be a committee appointed to prepare it and so to present it to the house.”

This was in effect what the bill did, in abolishing monopolies for the sale of merchandise, or for using any

trade. The manner in which it was drawn up is eminently worthy of note. Its form was simply declaratory that such monopolies were contrary to law and the known liberties of the people. The wording of this great statute invited every man to take note that it enacted no new thing; that every subject of England had entire power to dispose of his own actions, provided he did no injury to any of his fellow-subjects; and that no prerogative of the king, no power of any magistrate, nothing but the authority alone of laws, could restrain that otherwise unlimited freedom. The full prosecution of which noble principle, adds Hume, in remarking upon it, "into all its natural consequences, has "at last, through many contests, produced that singular "and happy government which we enjoy at present."* Legislation had been silent in England for thirteen years when it thus found fitting voice once more. One subsidy bill had been the sole contribution to the statute book from the two preceding parliaments. But their long counsels which had been weather-bound, as Williams's racy and choice biographer expresses it, came to a quiet road, and their vessel was lighted of statutes which are of immortal memory.†

The same ingenious person, in relating how it was that his majesty interposed no veto to the unloading of

* *Hist. of England*, v. 18. See also Lord Coke, on the subject of this great statute, 3 *Institutes*, 181.

† Hacket's (Bishop of Lichfield) *Scrinia Referata* (Life of Archbishop Williams), i. 200. For an account of this book, which is quite a curiosity of literature, see my *Arrest of the Five Members*, § ix. He goes on to say, in the passage just referred to, after the fashion that makes his book, apart from its many preposterous statements and opinions, extremely agreeable reading: "The voices all went one way, as a field of wheat is bended that 's blown "with a gentle gale, one and all." Hacket's reading among the poets (excepting always the heretic Milton) was large and various; and he had remembered here the *Philaster* of Beaumont and Fletcher—

" And the people,
Against their nature, are all bent for him;
And like a field of standing corn, that 's moved
With a stiff gale, their heads bow all one way."

the first precious freight, explains for us also, in another allegorical flight, his objection to let a second come to land. "He let fall some flowers of his crown, that they might gather them up; which indeed was no more than *desfluvium pennarum*, the moulting of some feathers, after which the eagle would fly the better." Much to the old bird's discontentment and disgust, however, he saw daily other measures in hand of which the object could only be to clip his wings so absolutely as that further flights might be marred altogether. Especially there were proceedings for enforcement of penal statutes against recusants, and for depriving them of offices in the state; and meanwhile there lurked concealed in corners of his palace, jesuits and agents of Spain, ready with their leporous distilments for his ear upon any moment's absence of the prince and duke. "See," said Father Maestro,* "what the young duke, precipitate and passionate, hath done. He hath brought enmity between two powerful kings; hath transferred the confederation of the Palatinate from the council to parliament, which he called together that the puritans might help his plot; and now at length, in England, hath made parliament more powerful than the king!" Vexed even more than humbled, James tried a momentary resistance, but was soon brought back within the toils. "In obedience to your commands," wrote Buckingham,† "I will tell the house of parliament that you have taken such a fierce rheum and cough, as, not knowing how you will be this night, you are not yet able to appoint them a day of hearing; but I will forbear to tell them that, notwithstanding of your cold, you were able to speak with the King of Spain's instruments, though not with your own subjects." Of course the house were received next day!

* S. P. O. (MS.) Dom. Cor. 3rd May, 1624. He is called Pedro, evidently a mistake for Padre.

† *Hardwicke Papers* i. 460.

It is not necessary that I should pursue further the humiliating story through the intrigues and counter-intrigues of Buckingham, Williams, and the Spaniards.* Suffice it that the favourite remained triumphant; and that the king would not even have had permission to get rid of the commons when he did, but for their awkward interference in a matter which the duke had become as suddenly interested in as James himself. The match with France was now under secret negotiation; and rumours of it having gone abroad, the house addressed the king in what, with his favourite phrase, he called

* The reader will find them told with rare humour and wit in Hacket's *Scrinia Referata* i. 195-197. See also the letters in the Cabala (Ed. 1663) pp. 13, 300, and 348. Hacket mentions incidentally the lord-keeper's mode of obtaining secret information for use against the Spaniards, and, apart from the special intrigues it relates to, the passage is worth quoting for its illustration both of the man and the time. He introduces the matter by saying that "the lord-keeper spared not for cost, to purchase the most certain intelligence of those that were his fee'd pensioners of every hour's occurrences at court; and was wont to say that no man could be a statesman without a great deal of money." He then subjoins particulars of a dialogue with the prince as related to him by the lord-keeper himself, in which that right reverend statesman, with amusing candour, tells Charles which of his "fee'd pensioners" it was that he had set as a spy upon the Spaniards. "Sir," says the keeper, "I will go on directly with you. Another perhaps would blush when I tell you with what heifer I plow; but knowing mine innocency, the worst that can happen is to expose myself to be laugh'd at. Your highness hath often seen the secretary Don Francisco Carondelet. He loves me, because he is a scholar; for he is archdeacon of Cambray. And sometimes we are pleasant together, for he is a Walloon by birth, and not a Castilian. I have discover'd him to be a wanton, and a servant to one of our English beauties, but above all to one of that gentle craft in Mark-lane. A wit she is, and one that must be courted with news and occurrences at home and abroad, as well as with gifts. I have a friend that hath brib'd her in my name, to send me a faithful conveyance of such tidings as her paramour Carondelet brings to her. All that I instructed the duke in, came out of her chamber. And she hath well earn'd a piece of plate or two from me, and shall not be unrequited for this service about which your highness doth use me, if the Drab can help me in it. Truly, Sir, this is my dark lanthorn, and I am not asham'd to inquire of a Dalilah to resolve a riddle; for in my studies of divinity I have glean'd up this maxim, licet uti alieno peccato: though the devil make her a sinner, I may make good use of her sin." "Yea," says the prince merrily, "do you deal in such ware?" All which, it must be confessed, remembering that this statesman was also a bishop, is highly edifying.

a “stinging” * remonstrance against concessions to any Roman-catholic court. The required pledge was outwardly given, and at the same moment secretly broken, entailing future misery to all; † but it became clear notwithstanding, that parliament, if allowed to sit further, would dangerously obstruct the intended alliance.

Notice of prorogation was given, therefore, for the 29th of May; and upon the commons going up to the king that day with intimation of the matters still waiting deliberation and redress, the parting, to quote the account of it sent to Carleton by Chamberlain, was with no more contentment than needed on either side. “The king spared them not a bit for undertaking more than belonged to them in many things; and for answer to their grievances, which were presented in two very long and tedious scrolls, he said that, having perused them, he thanked God with all his heart they were no worse.” ‡ And so the people’s representatives were dismissed to their several shires, and Sir John Eliot returned to his official duties in the west.

That these duties kept him in close communication with the admiralty during the few remaining months of the reign, there can be no question. It is needless to add that James never met the two houses again. They were prorogued, and again prorogued, from time to time, the French match meanwhile bringing itself to a conclusion; until at length a power higher than that of kings dissolved them.

* Rushworth i. 140. Coke’s *Detection* i. 185.

† When the lords (on the 6th of April) had dealt unsatisfactorily with a representation from the commons on this subject, taking out of it all “words of austerity,” the prince openly declared in the house and bound it by an oath, that “whosoever it should please God to bestow upon him any lady that were Popish, she should have no further liberty but for her own family, and no advantage to the recusants at home.”

‡ S. P. O. (MS.) Dom. Cor. 5 June, 1624.

BOOK FOURTH.

SIR JOHN ELIOT AND THE DUKE OF BUCKINGHAM.

1624-1625. Æt. 34-35.

- I. Intercourse with the Lord High Admiral.*
- II. Spanish Ships and Turkish Pirates.*
- III. Last Letters to the Duke of Buckingham.*
- IV. Mr. James Bagg; from the Life.*

I. INTERCOURSE WITH THE LORD HIGH ADMIRAL.



HE vice-admiral of Devon was at Plymouth on the arrival of Count Mansfeldt in September, and took part in the necessary recruiting of men and ships consequent on that event. Difficult was the levy by press of soldiers and seamen, and incessant the labours of Eliot. Altogether it would seem that a force of about eighteen thousand men was raised; but their condition and equipment, and the manner in which they ultimately set forth from Dover, must have revealed to Eliot more vividly than anything heretofore shown in his experiences, the results of government by personal favour and intrigue, where security had never been taken for due discharge of any public service, and, with a profligate squandering of money on all sides, there was no provision of any kind for the commonest necessities of the state.

And as this first transaction in the war began, so was it carried to appropriate close. Wretched in equipment, and in conduct a mere depraved rabble, misery and disorder

followed wherever they went. They were refused land passage through France, and driven back to their overcrowded ships, where a pestilence seized them, and the greater part found their grave in the sea, or had their bodies flung upon the Dutch coast to be "eaten by hogs." When Mansfeldt reached the Rhine, half his force had disappeared thus miserably, and with the rest he could do nothing. Such was the first adventure in the favourite's grand scheme; wherein, among the few nobler victims, poor Lord Southampton perished with his eldest son, and, somewhat later, the gallant Lord Oxford.

To what extent Eliot's friendly intercourse with Buckingham may have been resumed during his unavoidable communication with the lord-admiral at Plymouth, or whether their connection was solely official, it would have been difficult satisfactorily to decide upon the only letters I can discover to have passed between them; but, from what I shall be able distinctly to show of the relations subsisting between them at the opening of the first parliament of the new reign, it will be manifest, I think, that their present intercourse was somewhat more than official, though far less, in the way of confidence or intimacy, than it formerly had been. Archbishop Williams, when he afterwards drew up the abject apology to Charles in which he disclaimed connection with any of the "stirring men," declared that "Sir John Eliot, the only member that began to thrust in a complaint against me, was never out of my lord duke's chamber and bosom;" but if this phrase meant anything more than the notorious fact of Eliot's official connection with the duke, the time chosen to give effect to the slander decisively rebuts it. Eliot had then been actually appointed one of Buckingham's accusers. As the dishonest prelate, however, may only have misdated what he had to say, ample evidence will shortly be

afforded of its falsehood, even on that supposition. Meanwhile it is at least certain that the most reliable presumption for any other than official intimacy to be drawn from their present correspondence, rests upon an allusion in one of Eliot's own letters. From this it would seem to have been the intention that he should have accompanied Buckingham to France, in the mission contemplated shortly before James died. Eliot's position in regard to the desired French alliance, however, was somewhat peculiar. Foremost among the members of the house of commons pledged against any relaxation of the penal laws against popery, he was yet known to be not opposed to a marriage with a French princess. It was not more his opinion that Spain should be resisted, than that a friendly hand should be held to France. He believed her to be England's natural ally; and one of his charges against Buckingham urged afterwards with bitterest effect, was that of having needlessly broken peace and faith with so important a friend.

Quite consistently upon this question, therefore, might Eliot have been in "my lord duke's chamber and bosom;" and, anything of personal intimacy apart, it was not unnatural that the lord high admiral, charged with a mission to Paris involving many difficult questions, should have desired to carry with him the most distinguished of his vice-admirals, and a member of that country party in the English parliament which foreign statesmen regarded with salutary dread, and had an honest desire to conciliate. It may further explain the position of Eliot if allusion is made to that of Sir Thomas Wentworth. He disliked the match with France as much as the rupture with Spain, and though he disguises his feeling under playful sallies to secretary Calvert,* one can see that his sympathies were with the "unruly fellows in parliament" who might have been expected, if suffered to meet, to prove as agile against

* *Strafford Dispatches*, 12th Oct. 1624. i. 24.

France as others had been against Spain. Wentworth was nevertheless a suitor to the duke at this very time, in circumstances that were far more likely to bring in question his fidelity to his own opinions than any that could be urged in the case of Eliot. At least the vice-admiral was not opposed to the public policy his chief was at the time pursuing, to whatever extent his recent experience on the coast may have strengthened the opinions we have already seen him fearlessly uttering in the house of commons as to the general unpreparedness and defenceless state of the land.

At the close of the year, Eliot, still engaged in his official duties in the west, appears to have been summoned to London to receive certain special matters in charge from the lord-admiral. Their tenor is only to be inferred from letters addressed by Eliot to Buckingham, preserved in the state paper office: but these will sufficiently indicate the relations that existed between the vice-admiral and the chief of the naval administration; and will serve also to elicit some personal traits in a high degree characteristic of both those celebrated men, while they offer important illustration of the incidents as well as of the manners of the time. I propose here to treat separately of each subject handled in the letters; supplying, from other incidental sources, such information as may be needed to explain obscure allusions. The interval they occupy is that of the last three months of James's reign. Buckingham was now preparing for his embassy to bring over the French princefs; and, eagerly seconded by prince Charles though no war had been regularly proclaimed, was devising every means to cripple and harass Spain. Among other arrangements with this view, certain English vessels had been, under the French marriage treaties, hired to France for employment against Genoa as the friend of Spain; and upon the latter engagement, and circumstances arising out of it, very important considerations will hereafter turn.

Eliot left London in December 1624, with an understanding that he should return in March to accompany Buckingham to France. The first subject requiring attention was a commission, at which he was to preside, for arrangement of a dispute concerning the clearance of the harbour of Catwater; and in conjunction with its members he was afterwards to hold an admiralty sessions for trial of certain Turkish pirates who had committed capital offences in the west. But the incident that first detains us happened on the way.

Stopping at Exeter as he passed to preside at the commission, he writes specially to Buckingham of a particular occurrence on the journey. As the matter will not be unprofitable to the lord-admiral, he begs from him, though at the cost of some small trouble, a speedy answer. A Dutch man-of-war had taken up floating at sea, "as a derelict," a ship of two hundred tons laden with rye, and brought her in at Teignmouth. Eliot had ascertained the Dutch captain's readiness to present her to the English lord-admiral, expecting only a gratuity for his service, and payment of the charge he had been at, and for hindrance of his own voyage: as to all which the vice-admiral is confident that his chief would not have the Hollander go unrewarded. The ship was leaky, and the necessity of having men continually to pump her caused a considerable outlay. Her cargo of corn moreover was in great danger, and, if not presently disposed of, was like to be all, or certainly the most part, lost. Some sudden course therefore was absolutely essential, so that the cargo might forthwith be sold; and in this Eliot had presumed to crave Buckingham's order, being desirous only of such things as he might direct, and holding himself in readiness, on receiving it, instantly to appraise and sell the corn. "The necessities and valew of the matter," he concluded, "makes me importune for your speedie order, which as I shall receive, I shall attend with all respect and diligence that may

"express me your Grace's most devoted servant, J. Eliot." *

After interval of little more than a week, about the 8th or 9th of January, the desired directions appear to have been received from Buckingham himself; but it is not until the 2nd of the following month that the result is reported by the vice-admiral. He had proceeded in it, he says, with his best care and study for the lord-admiral's advantage; and, as "articulately" as he might, he had observed the words of his directions. It is indeed curious to observe with what minute precision he renders his account. If we are not to infer from it distrust of himself, which is not at all probable in such a case, it might seem that he must greatly have distrusted the duke. He had begun by obtaining the help of the nearest magistrate, also a member of parliament, Mr. Hockmore, an ancient servant of the prince's,† "and then," as he writes, "the place affording no officer, nor man of quality in itself, I us'd likewise the furtherance of Sir Edward Giles, a neighbouring gentleman of reputation and eminence, whom I found soe readie to your service, as I presume your lordship commands not anie thing more freebie than his affections." The reader will observe, in these expressions, the forms of respect and deference then universally used to men in Buckingham's position; and will not require to be told that there was nothing of dependency on prince or

* MS. S.P.O. Eliot "to the^r honora^{ble} y^e Duke of Buckingham his Grace Lo. High Admirall of England. *Exon.* 1 Jan. 1624."

† Hockmore was a Cornish member in James's later parliaments, and a man of wealth and standing in the county. He represented St. Mawes. He died not long after this time (in October 1626), and his estate became the subject of a small conspiracy among certain worthies, who will hereafter be found playing a not very reputable part against Sir John Eliot. The Devon judge of admiralty, Kift, wrote not many days after Hockmore's death to Edward Nicholas, Buckingham's secretary at the admiralty, to tell him that he had left an estate of 800l. a year to an heir fifteen years old, and that if Nicholas could get from the duke the wardship for himself, "Sir James Bagg, and me," he should have 2000l.

favourite in Sir Edward Giles, but a frank and independent country gentleman, a county member and most eloquent speaker, who had on a former similar occasion assisted his friend and countryman Eliot, and was ready to do it again.

Fortified by these assistants, Eliot summoned a jury of four "sufficient and understanding" men; put them upon their oaths; and charged them to take an inventory of the ship with her cargo and provisions, and make a valuation and appraisement of both. Then, having meanwhile caused the corn to be cried abroad in the country, according to the selling prices of the markets, he required the jury to attend the sale and delivery of it, and to keep a true account; certifying the same, with the inventory and appraisement, under their hands and seals, to himself, Hockmore, and Giles. They having witnessed these documents, Eliot had since transcribed them, and they were now transmitted to the lord-admiral, with a duplicate for the judge of his court. The ship with all her furniture and apparel remained unfold, and he should wait Buckingham's further order thereon. For the Dutchmen who preserved and took her up, he had as yet done nothing; but as they should repair to him and make their reasonable demands, he should acquaint the lord-admiral, and in that also crave his allowance. Some charges would have likewise to be disbursed upon the harbour men who brought the Dutchmen and their prize into Teignmouth; for a storm had arisen, and they were in such great distress when they came to the mouth of the harbour, that with much difficulty they were relieved by the boats that ventured out to them. The recompenses for those men, the Dutchmen had themselves proportioned in a manner which Eliot considered to be fair; and these, with some few other items incurred for the keeping of the ship and corn since she came in, he had reduced into a particular computation, that Buckingham might have the exact details before him.

Eliot closes his letter, of which every detail is as conscientiously minute as if handed in upon oath, by informing the lord-admiral that he shall place the last-mentioned account in his own hands on coming to London. Buckingham seems again to have urged his personal attendance; and his vice-admiral assures him that he shall use the greatest expedition he can for dispatch of the other businesses and commands in that place, "that I may come seasonable to attend you, in whose favour I repose both the opinion and happiness of your grace's most devoted servant, J. Eliot."* There is no more meaning, in any literal sense, to be drawn from these ordinary closing sentences of the letter-writing of that age, than from the ornamental flourish that frequently accompanies a modern signature; and they are quoted with exactness that the reader may see all that is to be alleged against Eliot on this score. His compliments are always in the same place, and carry neither help nor hindrance to the business they accompany.

In the hope of being able so soon to attend the lord-admiral in person, Eliot had miscalculated. He could not leave the west without communications from Buckingham upon matters of importance, which failed to arrive; and he had even to write again, three weeks after the letter last-mentioned, stating his willingness to leave other things to a time of greater leisure, but reminding the duke that his plans as to one particular stood in grave prejudice of his own interests.† The ship at Teignmouth, reserved upon sale of the corn, had bulged in discharge of her loading, being old and weak; and had since im-

* MS. S.P.O. Eliot "to the ^rt^h hob^{le} my verie good Lo. the Duke of Buckingham his Grace Lo. Highe Admirall of England." 2 Feb. 1624.

† "Since my severall letters to y^r Lo^p. of the tenth of the last, and of the second and thirteenth of this month, being prevented by y^e greater thoughts of the instructions w^{ch} I thereon hoped for the services formerlie commanded me; the necessitie and importance thereof, wth my longing to attend y^r Lo^p. in the preparation of y^r journey, solliciting a short dispatch; I am now enforced for myne owne excuse," &c. &c. &c.

paired so much by lying that she would be of little worth unless speedily sold. The particular time, too, might present some chapmen to fit her for Newfoundland ; but if that opportunity were lost, she was likely to return herself an unprofitable servant. It being his duty to inform the lord-admiral of all things affecting his interest, he had already made Mr. Aylesburie acquainted with the urgency of the case ; desiring to guide himself wholly, and to level his course, by the duke's directions.* The argument here used proved to be a potent one with Buckingham, whose reply was dated on the first of March, or less than a week from the date of Eliot's reminder.

Eliot received it at Exeter, which he had reached on his way to London, partly to keep his engagement to attend Buckingham on his journey, and partly because the day was approaching to which parliament had again been prorogued. But the command from the duke for sale of the Teignmouth ship, conveyed in his reply, took Eliot back to that place. He could no longer, he said in acknowledging its receipt, get the help of the gentlemen whose assistance he used in the sale of the rye, they being both parliament men, and at that moment (with himself) on their way to London ; but such others as he might with convenience draw to the place, he would solicit to further him in disposing of the ship ; and the course he would so order, as he doubted not but it would render a full satisfaction.

Yet this might be called a sanguine remark, seeing that even the minuteness and painful care for the duke's benefit that had distinguished Eliot's former communication appear to have failed to give Buckingham a " full " satisfaction." In his present letter he is obliged to say

* MS. S.P.O. Eliot " to the r^t honorable my verie good Lo. y^e Duke " of Buckingham his Grace Lo. High Admirall of England." 21 Febr, 1624.

that his grace seems to have mistaken the scope of the first valuation of the cargo by the appraisers, as that estimate was not a shortening of the benefit to the lord-admiral, but a formal conclusion against further claim to proprietors; limiting their possible recovery to the sum so stated, and thereby reserving in every case, wholly for the use of the admiralty, the overplus and advantage of the sale. Such had been his unvarying practice in all instances; and although others, he knew, followed it not, he had never forborne, but in that way had justly accounted in all his former services. And though he might so have incurred dislike from those who acted with him, he was glad to have made a precedent for his grace's advantage, having his affections without limitation entirely devoted to that way.*

And now, returning to the point from which this incident has detained us, we are called to accompany the vice-admiral to the commission for clearance of the harbour of Catwater, to which great prejudice and dangers had accrued by the sinking of a ship therein. A man afterwards well known, William Strode, was joined with him in this commission; and with them were associated one Richard Buller, and another person already named, not only connected very closely with Buckingham, but hereafter to be more intimately than honourably connected with the fortunes of Eliot, Mr. James Bagg. The character of this man will very shortly be permitted to unfold itself.

The duty of the commission was to see that the necessary charges for clearance of the harbour were undertaken by the authorities of Plymouth and Saltaſh, to which towns the commissioners presented letters from Buckingham requiring such aid. But their task proved the reverse of easy. Plymouth would readily have under-

* MS. S.P.O. Eliot "to y^e righte hon^oable y^e Duke of Buckingham
"his Grace Lo. Highe Admirall of England. *Exon.* xi. Marcij 1624."

taken what was to be done, if permitted to do it without the intervention of Saltaſh, which, jealous of the more important town, and too poor to undertake the work itſelf, threw obſtructions in the way. Such a precedent would infringe upon the prince's intereſts, and we cannot conſent to it, ſaid Saltaſh. Let us be permitted to become ourſelves the prince's tenants, replied Plymouth, and give us the privilege of the harbour fees, and we will gladly ourſelves do the work. The entire eſtimated coſt of weighing the ſunk veſſel does not appear to have been more than 300*l*, and it is amuſing to ſee ſuch an amount made matter of ſo much conflict, artifice, and diplomacy.

The firſt deſpatch reſpecting it is ſigned by all the commiſſion, Eliot, Bagg, Strode, and Buller ; its object being to acquaint the duke that they with all ſpeed had met the towns of Plymouth and Saltaſh, and obtained two ſeveral conferences, uſing thereat both the duke's arguments and ſuch others as had occurred to themſelves, to urge the neceſſity and haſte of the work, to abet it by their counſel and advice, to encourage the towns in undertaking it, and to remove ſuch difficulties and impediments as they might find ; but this laſt they had not found eaſy, to even their utmoſt care and diligence. By both towns much readineſs was profeſſed, but always ultimately withheld upon reſpect of their ſeveral intereſts. So ſtrong the difference, indeed, that they have found it unconquerable but by the power of ſome ſuch wiſdom as the duke's, to which accordingly they are forced to remit it. Each town had undertaken to certify for itſelf its ſpecial caſe, and the commiſſioners preſumed that each would ſubmit to his lordſhip's order. Continuing therefore the tender of their ſervice, and in honour of the duke's great employments and ſtudies forbearing other repetitions, they ſubmitted themſelves to his commands, being devoted his grace's in all duty.*

* MS. S.P.O. The letter is dated "Plimouth, 2^o Januarij 1624," and is endorsed "2 Febr. 1624. Sr John Elliot concerning the Shipp funke in y^e harbor of Catwater."

To this Buckingham appears to have replied by a request addressed to Eliot personally that the course proposed might not be taken, but that the towns should forward their respective statements to the vice-admiral, who should himself take the decision of the commission thereon. After three weeks' interval, however, Eliot is obliged to write to the lord-admiral that he remains still unable to render the account desired, the difficulty being greater than all their labours could reconcile; but that he will speedily give his grace a more full certificate.* Within three days accordingly he writes again, conveying the only result to which they had been able to arrive, and why they had been obliged to forbear the service imposed. The gentlemen given to him as assistants had used great diligence in conferring with artificers and men experienced in the subject matter concerned, and had travailed hard to encourage and persuade the towns, and seek them help to advance the work; and the towns had themselves professed some readines, but always with such reservation that nothing was determined. "Their pretences were alike," continued Eliot, "both insisting upon the point of right, what they ought to doe; and their ends, as I conceive, were soe different, as they excluded all convenience and necessitie. Plymouth seems to envie Saltashe for the priviledg of that harbour, soe neer unto it, and would, upon the other's refusall, undertake the taske to become his highness' tenant therein: Saltashe, weaker than Plymouth for such a charge, fearing to refuse it, pretends the danger of the president how it may trench upon the interest of the prince.† I know not what excuse they will use themselves, but this I take to be the maine difficultie — the disabilitie of Saltashe, and the desire of Plymouth

* MS. S.P.O. Eliot to Buckingham, 27 Jan. 1624.

† The allusion is to the prince's interests in the west, connected with the Duchy of Cornwall.

"for some advantage thereon to opportune itself for your
"lordship's favor; which that your lordship may dispose
"in the readiest waie for the expedition of this and the
"like services, I have presum'd to make this intimation:
"and what you shall thereon command me, I am readie
"to execute with the utmost power of your grace's
"most devoted servant, J. Eliot."* With which despatch,
wherein the writer's gravity hardly conceals his lurking
sense of the absurdity of the disputants, and to which he
appends a note intimating that "the charge of the worke,
"it's supposed, will not exceed 300l," the vice-admiral's
connection with this notable dispute closed.

He had commissions of more importance in hand
relating to the proceedings against Spain. It is remark-
able, however, that, strong as his own views on this subject
were, he lent up respectful remonstrance against certain
projects of Buckingham in connection with it which
he held to be exaggerated and indiscreet.

II. SPANISH SHIPS AND TURKISH PIRATES.

Eliot's first report as to Spain was made in the middle
of January. Writing from Dartmouth he informs the
lord-admiral that the news received there shows that
the Spaniards' preparations for the seas are great, but as
yet there was no mention or speech of Brazil. Through-
out Spain, he goes on to say, "our English" had been
recently treated with extraordinary respect; and a
general command seemed to have passed through the
whole country that no man should impeach or trouble
them in their business, or give any one the least personal
distaste. So unusual, indeed, and so full of ground for

* MS. S.P.O. Eliot "to the Admirall" my very good love &c. London
"of Buckingham his Grace Lieut. Admirall of England. Pardon
"2^d Febr. 1624." Enclosed, "8th of March 1624" my very good love &c. n
"y^e harbor of Cadiz and y^e different vessels y^e were at Pinaros
"and Salado for y^e weighing thereof."

suspicion as a mere blind to other preparations, was this courtesy, that it had filled the English factors and agents residing in Spain with jealousy and alarm, so that they had been hastening all they could to withdraw themselves from the country. Their opinion was that the design in reality looked northwards. All this had been reported to Eliot by a factor who very lately had arrived, and who thought it no unhappiness to be quit of his employments; "which," the letter concludes, "as a part of my dutie that in all things I covett to expresse, by waie of intelligence, I have presum'd shortlie to deliver, and in honor of your excellence, kissing your handes, I rest your grace's humble servant, J. Eliot."*

One of his most special commissions from the duke appears to have related to the stay of ships and provisions (chiefly fish) bound for Spain. Upon this he addressed an elaborate paper to Buckingham, from whom he differed as to the course proposed to be taken. After showing the strength and store of the western country in that particular, and the provision that might be relied on as available from thence for his majesty's use, he made the duke acquainted with some necessities which, if they were not prevented, might greatly prejudice the English merchants, and put the country at a disadvantage for the service required. "I must desire your grace in that," he concludes, "to give me an intimation of your pleasure, which I shall in all thinges seeke to satisfie, beinge vowed y^r grace's most humble servant, J. Eliot."† Three days afterwards he again urged upon the duke that in the report he had sent to him as to the stay of fish he had touched upon the

* MS. S.P.O. Dated, "Dartmouth x^{mo} Januarij 1642." Endorsed, "Sr John Eliott to the Duke of Buckingham. Gives an accompt of some direccons from his grace. Gives advertisement of great sea p^rparacōns in Spaine. Extraordinary kindnes used there to the English. That breeds jealousie and manie doubt their designes looke northward."

† MS. S.P.O. Eliot to Buckingham, 27 Jan. 1624.

necessities of the vendors in that country for their preparations of the year then commencing; and he pointed out the ill consequence and misery that would ensue if, assuming that his majesty's provisions were all duly served, the traders had not some liberty of vending for themselves, and were unable to set forth again. "They doe earnestlie expect a resolution therein," he concluded, "for which I am likewise a humble suitor; and soe desiring your pardon for pressing soe greate a heap of businets upon your lordship's patience at once, I rest your grace's most humble servant," J. Eliot.*

Upon another head of his principal charge from the duke, as to the detention of ships designed for Spain, he reports more confidently. One of his letters has reference to an Eastland ship of Pomerania, which had arrived in Plymouth harbour "bound for Spain"; and as she was new, of good strength, and with little or no lading, it was suspected that in going thither she had the end of her voyage, and might be expected to be employed thereafter to the prejudice of England. Her burden was four hundred tons, and she carried at that time twelve pieces of ordnance, but was capable of more. Acting therefore on the duke's intimations to him at his coming down, he had thought fit to stay that ship until further directions; but these he now desired to be sent with all speed, if the duke did not agree in the sufficiency of the reason for her detention, because the men would be pressing earnestly for her voyage. At the close of his letter he makes the important addition that there were expected immediately in the harbour seven or eight more vessels of the like burden and new build, which had never made voyage before, but also bound for Spain; and this rendered him more anxious to have the duke's decision.† He

* MS. S.P.O. Eliot to Buckingham. "Plymouth 2^o Feb. 1624."

† MS. S.P.O. Eliot to Buckingham. "Plymouth, 2^o Febr. 1624."

states also, in a letter of later date, that some English ships had just arrived in Plymouth from the Spanish coast that complained much of injuries done them by Spaniards, and of great losses in their cargoes taken from them upon the seas by men-of-war of that nation. Those Spanish war-ships were indeed equipped only against the Hollanders, but now, pretending authority from their state, they fell likewise on English shipping. "The merchants," concluded Eliot, "importune me much with these complaints, in which I make bold to acquaint your lordship, and soe in representation of my humble dutie I reſte your grace's moſt devoted ſervant, "J. Eliot."*

One of the intimations in these letters transmitting notices as to Spain, and upon matters connected with the hostilities impending, would have had peculiar interest if the discoveries at which it hints had been given. They referred to intelligence from France of some new troubles begun about Rochelle by the leader of the huguenots, M. Soubise; but being unable, as he says, through haste, to give it an apt form for his grace's views, Eliot had included what he had to say in a few words to Conway, assuring himself that the duke would receive it more complete from Mr. Secretary.† Unfortunately Mr. Secretary has not disclosed it to us; and we cannot therefore judge to what extent it might have borne upon later disclosures in the same direction which helped to widen and make irreparable the breach between Eliot and Buckingham. For a brief space longer there is no hint of an ill-understanding, and these letters show, from time to time, the arrangement that had been settled for Eliot's taking part in the mission to France. "I should be happie," he says in one of them, "from your lordship to understand

* MS. S.P.O. Eliot "to y^e right hob^{le} my verie good Lo. y^e Duke of Buckingham his Grace Lo. Highe Admirall of England." Dated "From Exon, xiiij Februarij, 1624."

† MS. S.P.O. Eliot to Buckingham, 27 Jan. 1624.

"likewise the time of your journey, in which I have devoted myself to your attendance; and, as I would not neglect the least occasion to advance your honor, I shall in that labor to express myself your grace's thrice humble servant, J. Eliot."* In another he hopes that the time may not be so fixed as to prevent his due attention to the commission for trial of the Turkish pirates. The dispatch having reference to that subject possesses peculiar interest.

The extent to which the pirates of the East took part in the plunder of our defenceless coasts at this time, has been the subject of remark by many writers; but it has received no illustration so striking as the fact, which appears to be undoubted, that pirating had become so much more profitable than honest trading that several Englishmen actually went into the business, turned Turkish and renegade, and lived at Tunis. One of the captures at sea by Algerines was estimated at more than a quarter of a million. Nor was it that the corsairs only scoured the channels, for they frequently disembarked, pillaged the villages, and carried into slavery the inhabitants to the number of several thousands. It will occur to me hereafter, from papers I have found in Eliot's handwriting, more particularly to detail the character and extent of these outrages.†

No wonder then that the vice-admiral should open his account of the sessions he had held on the Turkish prisoners at Plymouth, with assurance of the extraordinary satisfaction its result had given to the merchants in those parts, who had so long and reasonably complained of wrongs against

* MS. S.P.O. Eliot to Buckingham, 21 Febr. 1642.

† See the subject treated in my *Grand Remonstrance*, 228, note. (Second Ed.) The writer of the Remonstrance most justly connected the mention of these outrages with the monstrous taxation of Charles's government under the pretence of "guarding the seas," while "the seas meanwhile were left so utterly unguarded that the Turkish pirates ranged through them uncontrolled, repeatedly taking ships of great value, and consigning to slavery many thousands of English subjects."

them. The proceedings had also cleared the admiralty from aspersions that heretofore had been cast on its jurisdiction, and the honour of the lord-admiral had been vindicated by the free and open justice allowed to the accused. Twenty-five had been put upon their trial, consisting of twenty-three "Turks and Renegadoes" and two Christians, the latter being a Dutchman and an Englishman, seized in the same service; and all had been condemned, "both those that this yeare came in at Plymouth and some others that have been auncientlie in the gaole, and upon former tryalls neglected." Interest had since been made to obtain reprieve or delay of sentence, but Eliot had peremptorily refused even to communicate with the admiralty on the subject, and had ordered execution in all but five cases. Twenty had been hanged accordingly. As to those reprieved, he had advised with the rest of the commission; and, while he earnestly recommended them for mercy, he had yet given no pledge that could justly operate against future execution of the sentence, if such should be held essential. Eliot hoped otherwise, and his reasons for mercy are as just as those by which he vindicated his not less just severity.

Two of the men reprieved were the Englishman and the Hollander, not for the fact of their being Christians, but because their deeds were proved to have been much less criminal. It was yet for his grace's decision whether they should finally be reserved "to be characters of his mercy." As to the reprieve of two of the Turks he spoke more confidently. These men had already in a large measure expiated by seven or eight years imprisonment (so imperfect were gaol deliveries then!) the offence they had committed; and upon enquiry Eliot had found, that during their time of detention they had made themselves serviceable, and given good testimonies of fair behaviour and conversion. The fifth person reprieved, or rather exempted from sentence, was a mere boy "young and not capable of the knowledge or reason of doing good or ill,"

and upon him Eliot would not even permit judgement to be passed as on the rest. He leaves the subject with renewed assurance of his belief that the laws had been sufficiently asserted. "The example," he says, "will be large in the reste; and such a president as I beleewe this countrie has not seene. Wherein I have studied nothinge more than to accord the direccon of your lordship, with the expectacon of the merchantes, in whose respect you shall retaine perpetuall honor. This as my dutie I present for an accompte of my service; and as your lordship shall dispose it upon anie alteracon, I shall show the like diligence."* He sends him with the same dispatch a general calendar, drawn up in Latin, of the prisoners tried before him.

An intimation closes his letter which subsequent occurrences will make very noteworthy. He tells Buckingham that he is not satisfied with the commission, and should make bold to acquaint him hereafter with some dislikes. He objects evidently to state them in writing, and therefore defers them until he shall present himself to kiss his grace's hands. In all probability, however, his grace had already received some hint of the causes, for Eliot goes on to say that he doubts his former despatches upon his orders respecting Spain must have had some miscarriage, as no new instructions had since been sent to him. "And the importance which I conceive therein moves this intimation, upon which if your lordship shall require a newe endeavor or accompte I will not faile to expresse my readines." The reader will shortly have good reason to infer that the presence of Mr. Bagge on the commission explains both the dislikes of Eliot and the silence of Buckingham; and that the imperfect allusions and inuendoes here given, are to find their explanation in some intrigue against the writer.

* MS. S.P.O. Eliot to Buckingham. "From Exon, xiiij Februarij, 1624."

III. LAST LETTERS TO THE DUKE OF BUCKINGHAM.

In the very next letter from the vice-admiral, written at Port Eliot within a fortnight after the last, graver matter of complaint appears more openly. Eliot had suddenly discovered attempts in progress to check the due execution of his office in the northern division of his county. And here it is necessary to explain that on the grant to Eliot, by Buckingham's favour, of the patent held by Stukely, it was made to include a reversion of the northern division which before had been exempted from its profits, the latter being paid to the Earl of Bath for his life, but on his death reverting to Eliot. These circumstances were now recalled to Buckingham's recollection in a tone of not unmanly or undignified remonstrance. The letter indeed is worded in the style of the time; and, though partaking far less than was usual of the self-abasing and submissive phrase in which everyone now addressed the favourite, majesty hardly excepted, it has expressions that might be open to misconstruction if not read with the context and some acquaintance with the prevailing epistolary custom. When for example Eliot, referring to the new powers granted him in Buckingham's patent, and his own subsequent exercise of these powers, calls himself the duke's "creature," the meaning is simply what the word literally implies, that those larger powers and their use had been of the duke's "creation." *

"My most honored Lord," he writes, "as I am devoted whollie unto your service, I shall ever covett that which maie be most for your advantage, and for myselfe retaine noe other ambition than the honor of the imploiment and your lordship's favor, which, if I meritt not, it is my fortune not my will that's faultie,

* It has been seen (ante, p. 161) how one of the highest officers of state, the lord treasurer, flattered and licked the hand that had struck him from power to disgrace and ruin; and it will occur to me in the course of my narrative to give many additional examples.

"and wherein I fear to be mistaken. I beseech your
"grace, pardon me to excuse myself, or to be humbled
"at your feet.* In the execution of your commands
"in the north division of my vice-admiraltie, I finde
"myself checkt by a report and rumour ther that the
"interest of those parts you have resum'd from me,
"and promis'd to confer it on the Earle of Bathe:
"which intencion, if it arise from anie particular distast,
"I am unhappie; if it be grounded on the affection of
"some greater worth, I shall soe farr preferr your lord-
"ship's satisfaction, as to advance it with the sacrifice of
"all my hopes. But I believe it rather proceeds from
"some misprision, or suggestion that that place is voide
"of anie former graunt and now to be dispos'd. If
"soe, and that the estimation of my service be not
"lessen'd, I shall repose a confidence in your lordship's
"favor, and when ther is occasion presume still to waite
"on your affaires. How your lordship past it to me in
"my patent; how I have us'd it since the death of the
"ould Lord of Bath, for whose time onlie ther was a
"particular exception; what benefitts it has rendered
"through my indeavors; I need not to account. This
"expression I have made of my desires to shew how
"fullie I am your creature, and that your word in all
"things maie dispose me, being vowed your grace's
"thrice humble servant, J. Eliot."†

Take away the phrascs of form, and what is here said is no other than that, in the administration of the office he served, the writer had studied the advantage of the lord-admiral rather than his own, and that his ambition had been chiefly rewarded by the honour of the employment; that what it is now reported is about to be bestowed

* He means that if he should fail in the one he will be content to be the other.

† MS. S.P.O. Eliot to "the r^t hono^{ble} my verie good Lo y^e Duke of Buckingham his Grace Lo High Admirall of England. Port Eliot Febr. 1624." Indorsed "R 28 Febr. 1624."

on another, had been passed to himself in his patent, had been exercised by him, and had been made beneficial through his exertions; that if he is now to be deprived of it through any personal distaste, he must regret and feel unhappy at that circumstance, though if with a view to its bestowal on a person of greater worth, he shall be content to sacrifice his own hopes to the duke's greater satisfaction; but, as he believes the proposed change to have arisen from forgetfulness or misunderstanding of the exact terms of his patent, he recites them, and, presuming that the estimation of his service has suffered no diminution, will presume still, until otherwise advised, to wait on the lord-admiral's affairs. In his reply, Buckingham seems to have avoided the main point at issue, and to have simply conveyed his approval of Eliot's services. "The intimation," says the vice-admiral, in a letter of three weeks later date, "which was imported in your letter of the favor which your grace retaines of my weak endeavors, does much oblige me; and wherein I may find an opportunitie to expresse myselfe worthie that opinion, I shall not be slowe to acknowledge soe greate an honor; for which I am vowed your grace's thrice humble servant, J. Eliot."* It is at the same time not without interest to observe that the duke's letter, of which such acknowledgement is made, met Eliot at Exeter, on his way to London to join Buckingham for the French mission; and that its effect was to turn his steps back to Plymouth for a work, which,† however in itself important to be done, might as well and effectually have been done by his officers or agents. It is clear to me that at this time a secret influence was exerting itself, and that it had ceased to be Buckingham's desire that Eliot should accompany him to France.

The nature of that influence will appear ver

* MS. S.P.O. Eliot to Buckingham. "Exon. vi. Martij. 2

† See ante, p. 185.

shortly. But as, up to this time, the lord-admiral and his vice-admiral were agreed in their public policy, any cause of dissatisfaction with Eliot must have turned rather on some suspected deficiency in pliable qualities than any alleged absence of patriotism. I shall indeed be able hereafter to show this, as I think satisfactorily, under Eliot's own hand. And, should it then still seem that there is any uncertainty in the manner in which the subject of their final separation will have been left (which I cannot myself believe), one fact at least will remain unalterably to Eliot's honour,—that the point of time at which they parted, marks his own adherence to the policy he had originally espoused, and the duke's divergence from it; and that not until the death of James, and the accession of his son, when the favourite had completely thrown off the mask by which a whole nation was deceived, did Eliot take up a position of antagonism to Buckingham never again to be abandoned, as the enemy of his countrymen and a traitor to the state.

The last of Eliot's letters to the duke is dated on the first of April, 1625, a little more than a fortnight after the letter last quoted. Only four days before, the old king had died at Theobalds; and when the violent reaction came, on discovery of Buckingham's bad faith in the Spanish and French marriages, it was very generally believed that the king had been poisoned by the favourite, from the hands of whose mother, immediately before his death, he had undoubtedly taken a draught not prescribed by his physicians. If the charge had been more tempered, it would probably have been more true. In trampling down the one grand solitary object which the poor king had steadily pursued throughout his reign, Buckingham had broken his spirit; and petty insults and tyrannies did the rest. Those were the poisons Buckingham dealt in, and now they had done their work.* On

* "The disease appeared to be a tertian ague," says Laud in his *Diary*.
"But I fear it was the gout, which, by the wrong application of medicines

the first of April, Eliot had again advanced towards London as far as Exeter to keep his pledge as to the French journey, when a letter from the council-table was placed in his hands. Its purport can only be inferred from the letter he at once sent to the duke.

"My most honored Lord," this ran, "In the greate
 "desire I have unto your grace's service, nothinge
 "has more unhappied me than the wante of oportu-
 "nitie in which I might expresse the character of my
 "harte that onlie takes of your impreffions. The times
 "seeme therein envious to me, presenting opposition
 "to everie purpose which I make : as if misfortune were
 "their project, I the effect. This second time I had now
 "advanc't my journey thus farr to attend your grace,
 "and long ere this I had hoped to receive the honor
 "to kifs your hands; but the sad intimation of his
 "majesty's decease, meeting me here in some letters from
 "their lordships implying a caution for the late intended
 "preft of mariners, has imposed not only a sorrow, but
 "an astonishment in all my faculties, that of myself I
 "have not power to move in anything without new direc-
 "tion. The apprehension of soe greate a losse, and the
 "particular sence which I knowe remains in your
 "grace, whose affections I must beare, makes me doubt
 "a generall indisposition untill the grief maie somewhat
 "be digested. Upon which I dare not presume far-
 "ther, but as I shal be warranted by your commands.
 "In expectation whereof I will, in the meane time,
 "settle all my resolutions, and become whollie devoted
 "to the contemplation of your excellenc; retaininge
 "my indeavors in the same readines which has alwaies

"was driven from his feet to his inward vital parts." Irritation, humiliation, and the constant worry of disappointment, to a man ordinarily unaccustomed to these vexations, are better drivers of the gout from the foot to the stomach than the worst misapplication of medicines that quackery can devise.

"been profest in your grace's most humble servant,
"J. Eliot."*

The writer appears to have received no more commands or directions from Buckingham, for anything of mere personal service; and, though in many expressions employed in that last letter there is a tone of personal sympathy for the duke's loss, which shows as yet no suspicion of any altered favour, there can hardly be a doubt that this second stoppage of Eliot's journey, by means of so prompt a communication from the privy-council, had been the duke's own work. His vice-admiral was not to attend him into France, or be his humble servant any more. The intrigue which had been some time in progress against him in his own country and office, has continued steadily to work to its end, and the chief actor in it must now be introduced.

IV. MR. JAMES BAGG; FROM THE LIFE.

Mr. James Bagg was a western man, who, through some family connection with Nicholas, the secretary to the admiralty, had risen from various incidental employments in that department to a position of confidence about the person of Buckingham himself, which as he had earned, so he kept, by the most complete abasement to the duke's purposes and will. He had been joined with Eliot, as we have seen, in some admiralty commissions during the early part of the year, and from the moment of that connection with him appears to have steadily begun the process of undermining him. Eliot resented the man from the first, yet seems to have thought him not strong enough to be dangerous; but immediately after the king's death the restrictions in the duties of his office, of which he had formerly complained,

* MS. S.P.O. Eliot to "R^t honorable my verie good Lo y^e Duke of Buckingham, his Grace Lo High Admirall, &c. Exon, 1^o April, "1625."

took a more decided form, and he saw agencies for the duke which belonged of right to his vice-admiralty, assumed and discharged by others. Upon his remonstrance, explanations and denials ensued; and shortly afterwards, in the two months' interval before the writs went out for parliament, Eliot was certainly absent from the west on some foreign employment or pretext connected with the preparations for the war.

I am now able to show, also from letters preserved in the state paper office, some detail of what the character and progress of this intrigue had been which Bagg was carrying on against him. On March 21, 1624-25, somewhat less than a month after we have seen Eliot complaining to Buckingham of interferences with his due execution of his office,* I discover that Mr. Bagg was addressing from London a letter to "my lord the duke of Buckingham his grace, lord high admiral of England, my very good lord and maister," to the effect that he thought it a fault any longer to keep from him a document which he enclosed, and which would show him that his, Bagg's, service during the last twelve months in the western parts, had brought to his lordship's coffers better than twelve hundred pounds. It agreed not with his duty, Bagg went on to say, to be tedious with his grace in words or long lines; and he would now, therefore, only remind his grace of his "favorable promise concerning the collection of his tenths in Devon and Cornwall." Though this was not necessarily a part of the duties of a vice-admiral, it was one which he ordinarily discharged, and Bagg reveals by the subsequent part of his letter the entire drift of his petition. After observing that he should recommend his grace, in any future grant of warrants of market, to provide at the same time a receiver for the dues ("which," he slyly interposes, "trusted in me, shall not only be profitable to you but

* See ante, p. 197.

"make me great in your grace's esteeme for an honest man"), he goes on to say: "I doubt not, if you order your vice-admiral's service according to what is fit for them to doe, which after my way I have formed in some lynes enclosed, but you will have better accomptes made to your lordship hereafter." He then winds up by saying that he is going into the west immediately, that he desires his grace's commands, that he humbly prays he may return as the duke's collector, and that he hopes to live to see the day when by that way he shall fill his grace's coffers, and so be known his grace's "*best accompt-ing* and most humble servant."*

To what extent all this had been influencing Buckingham may be inferred from the fact that Bagg went into the west with a commission for victualling the ships at Plymouth to the amount of ten thousand pounds, and for superseding the usual functions of the vice-admirals in pressing seamen for the service. From this time he is the duke's most active, confidential, unquestioning, and entirely devoted servant in those parts; "*his slave*," as he delights to subscribe himself; and what immediately followed in the man's life shows the object of all he now aimed at. Before the close of the year he was knighted, and made vice-admiral of Cornwall; and as soon as pretence could be found for sequestering Eliot's patent, he received half the profits (the rest being apportioned to Sir John Drake, who will also shortly enter on the scene) of the vice-admiralty of Devon.

But having said so much to shew what the man at present was, and was intriguing for, the reader had better perhaps at once be put in possession of what, within ten years from the present time, became notorious respecting him. Those ten years, which witnessed nothing but disgraces

* MS. S.P.O. James Bagg "to my Lord the Duke of Buckingham his Grace Lord Highe Admirall of England, my very good Lorde and Maister, theis at Court. London xxj. Martij 1624." Indorsed, "Mr. Bagg to my lord."

and humiliations in our naval history, were the time of Bagg's most active employment as director of the naval administration in the western harbours; and the extent of his responsibility in transactions which had almost driven the poor of those seaports into rebellion, was unexpectedly revealed by two actions in the star-chamber. When quarrelling with a man who had been connected with him in his knaveries, and for whom he had actually obtained a peerage by solicitation from Buckingham, this worthy associate, Lord Mohun, filed a bill against him in the star-chamber, charging him with having received 55000*l.* to provide victuals for the king's ships, with having embezzled the greater part of it to himself, with having incurred debts in the king's name which he compounded to the grievance of the people, and with having provisioned the ships with victuals of such vile quality that they had killed four thousand of the king's subjects. Frightful as were these charges, Mohun was held substantially to have proved them; yet Bagg was in some mysterious way exempted from the penalties.

But then came another bill against him, of which it could not be alleged, as of the former, that plaintiff and defendant were rogues together, and it was hard to choose betwixt them. The plaintiff in the second case was a young simpleton of fortune, Sir Anthony Pell, who had some fair claims on the treasury which he wished to move my lord Portland, then lord treasurer, to consider, and his charge against Bagg was for having defrauded him of sundry large sums under pretence of paying them as bribes to the earl, to induce him to favour Pell. Bagg's impudent defence in effect was that he *had* bribed the lord treasurer, who had flung over both Pell and himself. The cause excited extraordinary interest; and Laud's speech upon it in the chamber having been preserved, we have archiepiscopal authority for repeating that Bagg was a rascal. Laud pronounces him, over and over again, fraudulent and criminal; compares him to a highway-

man; and contrasts his "ingenuity" with the simplicity of Sir Anthony. "Look," says the archbishop, at the close of his censure, "look but upon and see the many letters he writ, *James Bagg, your most real friend!* *Your business will be better done if you leave it to your friend James Bagg!* Here is his hand against his oath, and his oath against his hand. He was a most base fellow to say *your most real friend*, and to serve Sir Anthony as he did. I have now done with that bottomless Bagg and my censure, leaving my lord of Portland to do what he thinketh fit against him."*

The reader will observe with what surprising nicety of touch Laud hits off the man as just revealed to us in the letter intriguing against Eliot. *Your business will be better done if you leave it to James Bagg!* But a portion of the story remains to be told, to which few even of Bagg's contemporaries had the clue, and which will first be made fully manifest by the subsequent course of this narrative. Laud pronounced for Bagg's conviction in a heavy fine; but of the eighteen who voted in the case, nine supported that view and nine were against it, and the fine was only carried by the lord keeper's casting vote. No one could doubt that extraordinary influences had been at work for Bagg, but no one was prepared for what followed. At the opening of December 1635, Garrard thus writes to Lord Wentworth: "In my last, of the middle of November, I gave you an account of Sir James Bagg's business, censured in the star-chamber. It pleased since his majesty to shew him extraordinary favours. For, the Monday following the censure, the king sent his prohibition to the lord keeper that the sentence should not be drawn up, nor entered against him, nor no warrant should be awarded forth to imprison him. Some have endeavoured with his majesty to take off

* See *Laud's Works* (Ed. 1857) vi. 29-33; and see *Rushworth* ii. 302-313.

and master's hand, and lives most honoured whilst he is his grace's faithful servant.*

And thus were my lord duke's especial affairs in the west transferred gradually into fit and congenial keeping. Though Eliot was still, and continued for a considerable time longer to be, in the service of the state, and vice-admiral of Devon, it is no longer, when occasion arises, with the lord-admiral that he holds intercourse, but with Mr. Secretary Conway. One personal interview more, on which much will be seen to turn, and the paths of Eliot and Buckingham will have diverged for ever. To the despotic minister of the new reign there will then be only left,—in one who had been the companion of his youth, and in maturer life so ready faithfully to serve and honor him,—an assailant inexpressibly formidable, and, by sheer force of eloquence and courage, wielding a power over men more absolute and lasting than his own.

* MS. S.P.O. James Bagg "to my Lord the Duke of Buckingham, "his grace Lord High Admirall of England, my very good lord and "maister. Plymouth, the 18th of Aprill, 1625." Indoried, "R. 22 ; "Apr. 1625. Mr. Bagg to my Lo^d." I may add, in confirmation of what has been said as to the misconduct of this man, and those large defalcations to the crown from the consequences of which Charles I. was so ready to screen his favourite's shameless instrument, that in the Royalist Composition papers (MSS.) after the Restoration, deposited in the state paper office ("Re Sir James Bagg's son, George Bagg"), it is stated that there was one debt of 22,500*l.* 15*s.* 5*d.* and another of 1480*l.* due to the late king by Sir James Bagg.

BOOK FIFTH.

FIRST PARLIAMENT OF CHARLES THE FIRST:
AT WESTMINSTER.

1625. ÆT. 35.

- I. "*Negotium Posterorum.*"
- II. *Opening of the Session.*
- III. *Rules and Orders of the House.*
- IV. *Grievances and Religion.*
- V. *Wentworth's Election for Yorkshire.*
- VI. *Supply.*
- VII. *Eliot's final interview with Buckingham.*
- VIII. *Last Two Days at Westminster.*

I. "NEGOTIUM POSTERORUM."



PERIOD of Eliot's life has now arrived where guidance is happily vouchsafed to us which we may accept without a misgiving. Among the papers at Port Eliot in his own handwriting, and of which the authorship is as manifestly his, exists a memoir of the first parliament of Charles the First.

That this manuscript, possessing great historical importance and an unrivalled personal interest, should have failed to attract any kind of notice for more than two centuries, which have yet been filled with a vivid interest for the subject it relates to, and with enquirers eager for any scrap of authentic information concerning it, is one of those accidents that not unfrequently attend old family papers. Its appearance is not inviting; it is

on the face of it a fragment, or intended portion of a larger work; and it bears a Latin title, of which the meaning is not immediately perceived. But upon examination it is found to be in itself complete; to contain a narrative of every incident and debate in the lower house, during its two sittings at Westminster and Oxford; and to include, besides admirable summaries of the leading speeches, reports of every speech delivered by Eliot himself.*

The object with which it was composed declares itself beyond any question. It was designed, evidently, to stand as portion of a work that should relate to other generations, the parliamentary labours and struggles in which Eliot and his friends of that existing generation had been engaged. Its plan would doubtless have embraced the parliaments of James in which he sat, as well as those in which he took part under Charles; and the unfinished state in which the manuscript of this "second" portion, as it is termed, reaches us, might have suggested its date, even if internal proofs did not determine it positively. At the close of the first stormy session of the great parliament of 1628, during the recess when Buckingham was murdered and Wentworth went over to the court, it appears to have been begun; though not likely to have been brought into the state in which we find it, until the author's later imprisonment. It probably then assumed the double character—of a memorial of the struggles by which the ancient liberty had been reasserted, and of a monument to sufferings undergone in so wresting the petition of right from the king. The fulfilment of the design was interrupted by death; and how far it had proceeded, even, cannot with certainty be said. It is quite possible that this second part com-

* As if to clear all doubt, other copies of the same speeches, many of them in greater detail (and notably one respecting Sir Thomas Wentworth), set down in Eliot's handwriting at the date of their delivery, and with his name affixed as the speaker, exist also among the Port Eliot MSS.

prises all that was ever written, as undoubtedly it is all now remaining at Port Eliot; though the fact of many books and manuscripts having been lost or destroyed when the mansion was repaired forty years ago,* leaves it doubtful whether some of the patriot's papers may not also then have perished. More cannot be known; but in what has survived we have the record, not insufficient however incomplete, of the opening scenes of one of the grandest conflicts in which the men of one generation ever engaged, to secure the happiness and freedom of generations that were to follow.

In the very title given to his manuscript by Eliot, that idea appears. Not for ourselves we did these things, made these sacrifices, underwent these toils and sufferings; but for you. It was not our own business we were then transacting, but yours — *Negotium Posterorum*.

Under the various sections that follow in the present and succeeding book of Eliot's life, an unreserved and liberal use will be made of these remarkable papers. Upon careful consideration it seemed best so to employ them, as materials for this portion of my biography, with silent elucidation and enlargement when such might be required; rather than to print them merely as they stand, at the risk of the reader's confusion, or, at the best, of his very imperfect understanding of them. In every instance in which an opinion is expressed, or a judgment passed, by Eliot, his exact words are quoted. Wherever incidents are described that are new to history, his authority is given. Where speeches are cited exclusively from his abstracts or reports, the fact is noted. Every allusion borrowed from him with any personal bearing, is carefully assigned to him. All the characteristic features of what he had thus collected for posterity are in effect minutely preserved; and even the order of the several subjects as they arose on successive days is followed, though each is

* I learn this circumstance, with much regret, from Lord St. Germans.

completed and kept apart. The reader may rely with perfect confidence on the scrupulous precision and accuracy with which all that is essential in this remarkable manuscript will thus be laid before him; nor probably will he follow with abated interest through the scenes it will open to him, if brief mention is here prefixed of the nature and variety of the subjects treated in the course of it, and of the importance of the disclosures made.

It bears remarkable evidence to the state of feeling on the accession of Charles, and to the eager loyalty with which the new reign was welcomed by the men who were soon to be its bitterest opponents. Nor less curious and attractive are its sketches of leading orators on both sides, whether ministers and privy councillors, or their adversaries; divines who talked, as it is said, like lawyers, or lawyers who spoke with the veracity and gravity of divines. Eliot sketches almost every speaker who presents himself. He explains to us why Rudyard, in spite of his ornate and laboured preparation, had yet a respectful hearing from all; and what it was that gave superior life to the oratory of Philips, redundant though it was, and with defects of manner in delivery, but always ready and spirited, suited ever to the occasion as it arose, and in no respect laboured or premeditated. The house of commons two hundred and fifty years ago, was in these respects what the house still is; and Eliot's remark that "in that place, always, premeditation is an error," might have been written yesterday. So, of the dry comment he makes upon the break-down in the house of a crack orator from Cambridge, when the gentleman "found that the cold rhetorick of the schools was not that moving eloquence which does affect a parliament," is it not precisely what would now be said?

It was to be expected that one who sacrificed so much to uphold parliamentary privileges should have noted

with interest their growth within the house, their recognition beyond it, and their effect in promoting order, and inspiring deference and respect, by a settled and dignified procedure. On all these points Eliot speaks with peculiar knowledge. He scrupulously defines the respective relations of the two houses; he details the rules whereby not alone their joint proceedings were regulated, but the independent authority of each maintained; he explains the reasons that dictated what too often inconsiderately were styled mere causeless jealousies; and with manifest pride he dilates upon the right which at last had been achieved by the commons, of determining within their own walls everything relating to their own elections. In especial, there is one disputed return that affords him subject for a striking narrative, in which himself and Wentworth are the principal actors; and where not only a flood of light is thrown on their relations with each other, but the character of Wentworth receives vivid illustration. At the very moment when he stands at the turning point of his life, a profound and sagacious observer sees both his weakness and his strength; and, as well in the power that raised as in the pride that ruined him, reveals to us the future Earl of Strafford. Such and so memorable is Eliot's notice of the petition preferred by Savile against Wentworth's election for Yorkshire, written immediately upon Wentworth's going over to the court after the first session of the third parliament.

Worthy of remark also is the conspicuous prominence given in this memoir by Eliot, not only to the strength and earnestness of his own religious belief, but to the peculiar views he held upon the connection of politics with religion. He speaks of the readiness of the house to take fire upon questions in which religion was involved, as of a weakness in which he does not himself share: but he points out, at the same time, how rare were the cases in which the religious questions then prominent did not

include also considerations that statesmen could not overlook; and he shows what a danger and unsettlement to the state was implied, in the almost general relaxation of the penal laws against popery. The course taken in both sittings as to the high-church champion, Montagu, only half-told hitherto, he tells at length; he shows how much the subject was embittered in the Oxford session, by the claim put forth to screen that offender as the king's chaplain, which would equally have protected from all censure by the house every servant and minister of the king; and the intrigues of bishop Laud against archbishop Abbot, hitherto admitted but imperfectly, receive from him fresh illustration.

The charges most often, and with greatest apparent show of reason, brought against the first parliament of Charles the First, by the favourers or advocates of that prince, have turned upon the alleged niggardliness with which, during a war to which the preceding parliament had been a strong consenting party, they doled out supplies that it had never been usual, even in time of peace, to stint at the opening of a reign; and, above all, upon the affront offered to the young sovereign by the proposed limitation to one year of the grant of tonnage and poundage which his predecessors had enjoyed for life. So much, it has been always said, was this resented, that the lords refused not merely to pass but even to entertain the bill.

As to this last charge, it will be seen that Eliot puts the matter in a new light. The bill when first introduced renewed the grant for life, but it was not laid on the table until nearly three-fourths of the members, believing that all matters of supply had been voted, and alarmed by the advancing ravages of the plague, had quitted London for their country houses. Several questions then arose as to the new book of rates, and as to irregularities in collection; which, in the absence from the house of the principal lawyers, led of necessity to the proposed limita-

tion, not as a permanent but as a temporary measure. Every supposed right of the monarch was at the same time carefully protected ; and so far were the lords from refusing to entertain, that they had actually passed the bill, when the royal assent to it was refused.

Not less remarkable is Eliot's elaborate narrative of the debates on supply in the sittings both at Westminster and Oxford. Now began the disputes which culminated in 1640 ; and, upon whichever side lay the first wrong of suggesting or inflaming them, there rested, as it has been always justly felt, a most grave responsibility. Eliot's vindication of the parliament upon this point is triumphantly complete. The story is gradually told, pursuing each day's sitting at Westminster, from the first proposition and grant of supply, not unaccompanied by distinct remonstrance on the misuse of supplies formerly voted, but yet freely given and accepted as freely ; through a series of subsequent intrigues by Buckingham to compass his own private designs, in despite even of the more independent of the king's council, and manifestly to the injury of the king's service. For the first time in history a sufficient explanation is afforded, of the extraordinary unpopularity of this first and only minister that Charles ever really confided in. Buckingham at the outset, for reasons of his own, connected partly with his previous pledges to some of the popular leaders, but more directly arising from the uses to which already he contemplated applying the great fleet then preparing for sea, had manifestly resolved to break with the parliament at whatever cost. Most clearly is this established, and it is a fact of the last importance. Buckingham's conduct on any other supposition would be utterly incredible. He permitted the king to accept graciously a money-vote, which was not illiberal or insufficient ; he suffered three-fourths of the members, under the belief that all the important business was over, to quit London ; and from the few that remained he sought to wrest an

additional vote, by a statement and message compromising the king, and not submitted by any minister but by an officer of his own. So dismayed indeed were some of the other ministers at his interference to disturb the settlement of what they could not themselves but admit to be a fair vote of supply, that they resorted to the extreme measure of attempting to exert influence over him by means of one who had formerly enjoyed his confidence, and who, though now prominent among the leaders of the country party, had not been mixed up with the secret understandings of the last parliament. This curious incident marks definitively the close of Eliot's personal intercourse with Buckingham.

At the special request of the chancellor of the duchy, Sir Humphrey May, the vice-admiral went to the duke; and, though he failed to turn him from his purpose, the record of their interview, as the reader will hereafter find it in this memoir, completes a piece of secret and as yet unpublished history remarkable as any upon record. It proves that Buckingham's design, expressed in almost so many words to Eliot, was to obtain ground and excuse for a rupture with the commons; and no doubt can further rest, after reading it, upon either the character of the former intercourse of the duke and his vice-admiral, or the circumstances of their final separation. They never met again until they met as accuser and accused; and if anything of servility or dependence had entered into their preceding relations, Eliot could neither have spoken as he did at his ex-friend's impeachment, nor have written as he does in the memoir of his sycophants and flatterers. In his own private chamber as in the lords' house his tone is the same. He holds ever to Buckingham the same front of self-respect, reliant and independent.

By the failure to bend the favourite from his purpose, and the resolve of the house notwithstanding to adhere to theirs, the Westminster session was brought abruptly to

its close ; but it will be seen that while the commons had succeeded in passing the supply bill in its original state, they were utterly unprepared, upon going up to the lords on the day of prorogation, for the announcement that there awaited them. That was Buckingham's retort to the affront he had received. They had desired a recess that should enable them to stay at their respective homes until the plague should have abated something of its virulence ; and, by voting what was believed to be sufficient for the immediate wants of the state, they had entitled themselves to so much consideration. But, to the dismay of all who were present at the prorogation, they were told that they must meet again in little more than a fortnight, and at a place where already it was known that the plague had shown itself. From that hour no man of the country party in this parliament doubted what the favourite had in view, or believed that any good understanding with him was for the future even possible.

Brief as the interval of the fortnight was, some noticeable incidents occurred therein ; and it will be seen how nearly they concerned Eliot, and what effect they had in finally determining his position of unrelenting antagonism to his former friend. In this portion of the memoir, as in that where he relates his unavailing intercession with Buckingham, he speaks of himself in direct terms as the vice-admiral of Devon ; and what he states as his official experience of the ill-working of the commission, which together with the lord-admiral then administered the affairs of the navy, is an important contribution to our knowledge of these matters.

The proceedings of the Oxford session are reviewed in even greater detail than those of the sitting at Westminster ; and the interest deepens as the narrative goes on. Each day adds to the growing discontent, until at last the measure overflows. The members meet amid fears and suspicions, strong though silent ; but before they separate, these have taken the form of expressed distrust,

and all but open defiance. History acts itself over again before us, and, connected with its leading incidents, we have its secret actuating causes. The disasters of the reign have had no such practical or conclusive comment as Eliot's picture of its opening scenes will afford. It is not that we are listening to the arguments and reasoning of a partizan and actor in the strife; but that, by a rare and unexpected privilege, the curtain of the past is uplifted for us, and we see and hear what was said and done on either side, at the critical moment which was to decide the position of both. The pains which Eliot takes plainly and strongly to set forth the steady and increasing march of discontent against one, are not more marked or remarkable than his manifest wish to do justice, irrespective of that principal offender, to all. These portions of his memoir contain sketches of some of the speeches delivered, as well by ministers as their opponents, which even in this compendious form exhibit a transcendent merit. In especial, besides his own speeches, there will be found speeches by Sir Francis Seymour and Sir Robert Philips, and one reply by Sir Humphrey May, that seem to me to take rank with the highest examples of eloquence in this great time.

Enough has been said, however, to indicate the character and general contents of the manuscript from which the present and next following book of this biography will be found to derive such value and interest as they possess. To name here more specially the eloquence thus preserved of which we have no other record, the speakers described to whose peculiarities no witness else has spoken, and the incidents that receive an explanation until now withheld, would be to anticipate what will appear in its proper place, in all needful detail. It is to be regretted that the narrative should close where it does, but its value does not stop at that point of time. By the clue it gives, and the light it affords us, we shall find our way more clearly through some later events and occurrences. Nor, after the story of this parliament is told, when, upon that

sudden and angry dissolution which no one more than Clarendon has deplored, the country is seen breaking itself up into two parties opposed indeed to each other but neither of them zealous for the king, could Eliot by any elaboration of eloquence better have expressed the state of men's minds and purposes, than by the brief but pregnant sentences which close his narrative.

"Those that were fearfull, did encline to some accommodation and respect. Those that were resolute, and had hearts answeareable to their heads, insisted on their grievances."

II. OPENING OF THE SESSION.

The death of James had been followed generally, there can be no doubt, by a sense of extraordinary relief. The security that is full of fear, because founded on the degenerate vices born of a long-corrupted peace, with him had passed away. Men arose as if from a dream. The appeal of the leaders of the two last parliaments had reached them, and with it the expectation, that, as the power which sought to silence them was now for ever silent, the country might resume its place at the head of the protestantism of the world. A new spirit of life, says Eliot, possessed all men; as if the old genius of the kingdom, having with Endymion slept an age, were now awake again, and a successor to their great queen at last was come.

What imperfectly was known of the character of Charles the First favoured these expectations. His religious practice and devotions had given him a reputation for piety; and, as well by his having resisted the temptations of Spain, as by "his publick professions being "from thence returned," joy and hope gathered about his person. What, through all the darkness and misery of his fatal government has yet been accepted as probable by modern inquirers, his contemporaries were eager to

welcome, and more than ready to believe. Many were moved, says Eliot, by what seemed to be the innate sweetness of his nature; the calm habit and composition of his mind; his exact government while prince in the economy and order of his house, in the rule of his affairs, and in the disposition of his servants; whereby his honour had been maintained, yet no thrift neglected. Nor less had he been dutiful and decorous in his care for public business, in apparent study to improve his knowledge in the state by diligent attendance at councils, and in selection of his modes of exercise and recreation. But above all, his conduct in the Spanish business had coupled expectation with his name. The dissolution of the treaties was in effect his. To him practically was due "the untying of those knots, the cutting of those Gordian yokes." If the old national wisdom and prowess were to revive; if the memory was to be lost of later sufferings and shame; if the end had come to what so long had impoverished and lowered England, consuming at once her honour and her treasure; his would be the glory. In confirmation of which hopes of a happier future, Eliot adds, "as that which was to be the assurance of them all, and of whatever else might import the happiness of the kingdom," there went forth writs for a parliament.

Such emulation for service in the commons had not been seen till then. Several elections were hotly contested, and many favourites of the court beaten: but the latter were supposed to belong to the system of which the new reign was expected to be the close, and candidates most opposed upon the hustings yet rivalled each other in proffered service to their young king. "The members chosen," says Eliot, "forthwith repaired to London, to make their attendance at the time; no man would be wanting; love and ambition gave them wings; he that was first seemed happiest; zeal and affection did so work, as even the circumstance of being first was thought an advantage in the duty."

Such is the remarkable language (itself an ample refutation of the reproaches in which Hume and his followers have largely indulged), used at the opening of this reign by the man who was destined to be its most illustrious victim. Some change was to be wrought, however, even in the brief interval before the new parliament. Two prorogations delayed the meeting, first to the close of May, and then to the middle of June; after which, formal adjournments made further delay, to admit of the king's arrival with his young Roman-catholic queen from Canterbury, whither he had gone to meet her. At last, on Saturday the 18th of June, while increasing ravages of the plague were saddening London, and the splendour of the new Roman-catholic alliance was already overshadowed by rumoured concessions made to it, Eliot found himself standing near the throne of the lords, with a crowd of his colleagues from the lower house, listening to Charles the First's first speech to parliament. They saw the young queen herself as they entered; and, "in a place below the corner of the seats," the French king's kinsman Chevereux and his duchess, who had accompanied her to England.

Many faces more familiar Eliot must also have seen, as he looked around. Bedfordshire had sent up Sir Oliver Luke, and from Launceston and Liskeard had come Bevil Grenvile and William Coryton. Mr. Hampden of Great Hampden had been returned for Wendover, Sir Robert Cotton for Thetford, Sir Edward Giles for Totness, William Strode for Plympton, and Richard Knightley for the county of Northampton. The men who chiefly had led the last two parliaments were also here; Philips for Somersetshire, Wentworth for Yorkshire, Coke for Norfolk, Pym for Tavistock, Sir Dudley Digges for Tewkesbury, Seymour for Wiltshire, Sandys for Penrhyn, Glanville for Plymouth, Rudyard for Portsmouth, and Edward Alford for Beverly. The northern men had mustered stronger than usual. Wentworth and Fairfax had

beaten the Saviles in Yorkshire, not fairly, it was alleged; but Mallory sat safely for Ripon, Wandesforde for Richmond, Radcliffe for Lancaster, Vane for Carlisle, Fenwick and Brandling for Northumberland, Anderson for Newcastle, Lowther for Westmoreland, the two Hothams for Appleby and Beverly, Hutton and Slingsby for Knaresborough, Beaumont and Jackson for Pontefract, Ingram for York, Bellasis for Thirsk, and Selby for Berwick. Some capable men there were to represent the king's council, too; as indeed fore the need was that there should be. Weston, chancellor of the exchequer, sat for Kellington; Edmundes, treasurer of the household, for Oxford-university; Naunton, master of the wards, for Cambridge; Heath, solicitor-general, for East Grinstead; and Sir Humphrey May, chancellor of the duchy, for Lancaster. Of these the ablest was the last. In early life, May had served in Ireland under the Earl of Devonshire; and his experience of public affairs, at a time when men of capacity directed them, had rendered him somewhat impatient of the incapacity of Buckingham. He would hardly at this time have been retained in the council, but for the fact of his being almost the only man there who could oppose to the popular leaders an eloquence only inferior to their own.

To counteract this better influence, however, the favourite had provided himself with an especial instrument; possessing no brilliance of talent, and yet rather bookish and clerkly than of especial aptitude for business; formerly secretary to Sir Fulke Greville, but to whom the lord-admiral had lately given one of the commissionerships for the admiralty; and whom he now designed to put forth, though with no official responsibility, and in the illness and absence of Sir Albert Morton, as a substitute state-secretary for the lower house. This was Sir John Cooke, of whose fortunes here was the beginning; returned for the borough of St.

Germans much to the dislike of Eliot, who nevertheless had been able to make his local influence so far felt as to compel Cooke in turn, quite as much to the favourite's dislike, to accept for his colleague Sir Henry Marten, with whom, since the old Marshalsea days, the vice-admiral had improved his friendly intercourse. They would seem to have been gradually drawn together by a common experience of the defects of Buckingham's character; and it was this growing dissatisfaction on Marten's part with the conduct of public affairs which had impelled him, while still holding place under the chief minister as judge of the admiralty, to seek now, for the first time, a seat in the commons.

There, for the first time also, had been returned three men from his own county whom Eliot would perhaps have regarded with greater interest, if he could have suspected how closely, and on whose behalf, they were likely to be watching him. These were Mr. Drake, member for Lyme; Mr. James Bagg, member for East Loo; and Mr. John Mohun, member for Grampound.

The royal speech was short, Charles opening it by referring to the physical defect that indisposed him to any long address. He assumed that they were all ready to carry out what their predecessors in the last parliament had begun. He knew their zeal and affection to religion, and that matchless fidelity to their king which was the ancient honour of the nation. The lord keeper would explain to them further. His own natural disability to speak held good correspondence with the time. That being designed for action, discourse would not fit therewith.

We did not dislike either the sense or shortness of this expression, says Eliot. "Wearied with the long orations of king James, that did inherit but the wind," this brevity and plainness drew a great applause. Liker to truth than art, it fell in with the opinion those country gentlemen of England still dared to cherish, that with

the manners of their ancestors they might resume their fortunes, and in that turn and revolution of events "meet the old world again."

From the lord keeper's paraphrase of the royal text, however, there dropped a note of discord. After highly ornamental exordium, and intimation that their new sovereign had work in hand whereby Europe would be stirred as the Pool of Bethesda by the angel, he told them that the Mansfeldt army, and the fitting out a navy that might be called invincible, had swallowed up all the money voted in last parliament, and now their business would be to give, without sticking too much to precedents. If they found the usual way too slack, they were not to fear, in an occasion of such consequence, to resort to others more fit. All were subventions that they granted, *nor could that be unparliamentary which was resolved by parliament.* At this remark of the too clever bishop immediate murmurs of dissent were heard. To suffer it to pass unchallenged, would have been to place at the disposal of the hour rights that had been acquired through centuries; to make the servants of the parliament its masters; and to send both houses adrift, without compass or rudder, upon the rocks and breakers that surrounded them. As they crowded back to their own chamber for election of a Speaker, the commons' leaders doubtfully exchanged these thoughts.

They were somewhat reassured when one of the privy councillors rose and suggested serjeant Crewe for the chair. He was the younger brother of the honest chief-justice, and he had served the office in the preceding parliament; an office theretofore too frequently filled, Eliot remarks, by "nullities," men selected for mere court convenience. On the other hand, their privileges might be counted safe in keeping of a man whose eloquence had most nobly guarded them when in danger. Nature and art, says Eliot, concurred to make him equal to his place. He was a great master of the law; in his studies religion had

so shared, as to win for him special name and reputation ; and his life and practice answered to both. Most apt also to the employment he sustained, was his elocution.* On all occasions of the time he could express himself "pulchrè et ornatè," even as Quintilian conceives the perfect orator, "pro dignitate rerum, ad utilitatem temporum, cum voluptate audientium."

His election over, with what Eliot calls its formalities of "pretended unwillingness in him, and importunity in us, with much art and rhetorick on both sides, usual "more than necessary," they returned to the lords' house; and, in the old constitutional form, Crewe asked the king for immunity to themselves and their servants eundo et redeundo, freedom from arrest, continued access to the royal presence, and free speech according to their antient privilege. Frankly, in proffering this petition, the Speaker advised the young sovereign, that in comparison of a parliamentary way he would find all other courses to be out of the way ; told him that his imperial diadem shone all the brighter, in that it was enamelled and compassed with a beautiful border of the antient and fundamental laws ; and gravely counselled him to have it in perpetual remembrance, that those fundamental laws were what held the body of the commonwealth together, and that, *being suitable to the nature of the people, they were safest for the sovereign.* Again through his lord keeper, and more graciously, the sovereign† replied. He called the subjects of their petition the four corner stones of that noble building, their house, and granted them all without any bound or limitation more than their own wisdom and moderation should impose.

The remark made by Eliot, in characterising and contrasting the styles of the respective speakers on the

* For speeches by him, see *ante*, pp. 105 and 108.

† "The interim was little," says Eliot's MS, "yet a while he seem'd to study the recollection of some notes he then had taken."

occasion, ought not to be omitted. There was most of the divine, he says, in the lawyer; and most of the law-like in the divine. The bishop displayed a study and affectation both in his composition and delivery, which the serjeant declined, seeming thereby more natural, and not less eloquent. In both were to be remarked oratorical brilliancy and ornaments; but in the one flaring forth without relief, and in the other harmonised by shadow and repose. "Both had their *igniculi sententiarum* and *flosculi ingeniorum*: but by the bishop they were rendered to all satiety and fullness, as beauty set to sale; whereas the other made them like stars shining in the night, *admirabili quadum illuminatione, sed umbram habens et recessum*."

In concluding this portion of his paper, Eliot again observes upon the ill-relish and resentment provoked by the lord keeper's "insinuation to new ways, under the fallacy put forth that all that is done by parliament is parliamentary;" contrasting it with another of his phrases that had been better liked, wherein he had termed their privileges the corner stones of the house; and with a mournful significance he adds, that that latter expression seemed at first to carry promise, but soon was blighted. "States, as divines, use glosses on their texts. But, for the instant, satisfaction was pretended; and both houses thereupon prepared them to their business."

Having presented this picture of the opening of Charles's first parliament, as viewed by one of the leaders of the house of commons while yet the hope of conciliation and agreement had not abandoned either side, it is now necessary to place beside it what history has since disclosed, of events only partially known to their contemporaries when those first speeches were delivered, and of which the full revelation brought on speedily the storms and troubles of the session. Eliot marks the

doubts that had arisen, between the issue of the writs and the assembling of the members ; but, as all his subsequent narrative tends to show, they went, even at first, deeper than he has above related.

Notwithstanding the breaking out of the plague, Charles had been eager at once to get parliament together. But this, which Eliot and his friends took for so fair an omen, had no better motive than the consciousness that his chance for most money was to ask before certain disclosures were made, shortly to be inevitable. He would have summoned the parliament of the preceding reign without delay of a new election ; but, on his lawyers telling him that a parliament dies with a king, he directed writs to issue for the 17th May, ten days after his father's funeral.

Of the excitement that prevailed at the elections there can be no question, though it may be doubtful whether, as Eliot states, the eagerness to serve under a new king may not have been as operative as the desire to oppose abettors of the old policy. Conway, now principal secretary by Calvert's retirement, and raised to the peerage not many days before James died, was fain to congratulate himself on his escape, in that serene elevation, from the troublesome necessity of facing the people. In Middlesex the comptroller was defeated ; and Sir Edwin Sandys* lost Kent because of the rumours that he was to be made secretary in Calvert's place, though the office had been given to Sir Albert Morton. Eliot offered again for Newport, and was returned with a new colleague, Mr. Ralph Specot. But even in the month's interval between the day when the writs were returned, and the day of the parliament's assembling, there had occurred what might have served to destroy far greater grounds of con-

* Sir Edwin, one of the greatest speakers in James's parliaments, became treasurer to the undertakers of the Western Plantations, and died in 1629. He took little part in public affairs after James's death. Six of his sons sided with the parliament in the civil war.

fidence than any to which possible pretence could in this case be made, as from a new parliament to an untried king.

The French match had brought with it much unpopularity. The marriage to a Roman-catholic princess was bad enough, after all that had passed in the previous reign; but it was found to have been accompanied by secret concessions to popery, which violated every solemn pledge given but a few months before; and so much of Lord Bristol's case was become matter of common rumour as revealed the deceptions practised by the king and Buckingham.* The concessions to the faith repugnant to the English people had been also fitly accompanied by disfavour to the opinions they most ardently cherished. Eight days only had passed after the death of James when Laud went to Buckingham with a paper he had been directed to prepare. "I exhibited a schedule, "in which were wrote the names of many churchmen, "marked with the letters O and P. The duke of "Buckingham had commanded to digest their names in "that method, that as himself said, he might deliver "them to king Charles."† The Orthodox, or those who held church doctrines favouring most of popery, were alone now to be promoted; the Puritan, or all

* Buckingham left for Paris to bring over the young queen on the day following the funeral. It is curious and instructive to observe the entries in *Laud's Diary*: "May 11. Early in the morning, the duke of Buckingham went towards the sea side, to pass over into France to meet the queen Mary. I sent letters to the duke that day, which might follow after him; for he went in great haste." "May 19. I wrote letters the second time to the duke of Buckingham, then staying for a while at Paris." "May 29, Sunday. I gave a third letter into the hands of the bishop of Durham, who was to attend the king" [Charles was to meet his queen and Buckingham at Canterbury], "that he might deliver them to the duke of Buckingham on his first landing." "May 30. I went to Chelsea, to wait upon the duchess of Buckingham." "June 5, Whit Sunday. In the morning, just as I was going to prayers, I received letters from France, from the most illustrious duke of Buckingham." "June 6. I wrote an answer." "June 8. I went to Chelsea." "June 12, Trinity Sunday. Queen Mary crossing the seas."

† *Laud's Diary*, Tuesday, 5th April, 1625.

who were in favour of simpler worship and most opposed to Rome, were in future to be persecuted. And thus began the system of which the effects were so appalling to its authors.

Though the whole of this was not known at the opening, or during the first sitting, of parliament, sufficient had even by that time oozed out to throw changes of vexation, as we shall see, on what Eliot has so forcibly described as the eager and popular welcome to the opening reign from the people to their new sovereign. Already, when he went to open parliament that day, those fresh and natural springs of confidence had been poisoned.* In his very progress, sounds of the same distrust had reached him which was soon to scatter seeds of disaffection everywhere, and to plant bitter thorns in the crown that as yet he had scarcely assumed. Nor, though the royal speech was plain and brief, as Eliot celebrates it, were he and his colleagues more disposed, a very few days later, to think it other than churlish and ungraceful, when, by the light of the discoveries they had then made, they read over again its blunt avowal that parliament had drawn him into a war and parliament must find him means to maintain it.

Upon that war, though not yet formally declared, the extent to which the court had committed itself, was then made only too obvious by disclosure of the measures they had adopted to facilitate the raising of troops, and to hasten equipment of the fleet. Martial law was found to have been proclaimed in districts occupied by troops and seamen ; and there had been a levy of coat

* " Though it had been customary to give credit to the professions of a new sovereign, nothing was heard but the misleadings of fanaticism and the murmurs of distrust." So says Lingard. But surely he gives sufficient reason, by a remark which shortly precedes this : " If he had refused one Popish princess, he had substituted another ; if he swore to grant nothing more to his future wife than the private exercise of her religion, he had within a few months violated his oath, by promising in her favour toleration to all the Roman-catholics in his dominions." *Hist.* vii. 144.

and conduct money by the king's sole authority, upon engagement to the counties for reimbursement from the exchequer. At the same time, the pretence on which the old court had joined in the popular clamour for war, the earliest acts of the new court now showed to be a falsehood. The sole condition of further supply from parliament had been violated. The money given had been scandalously wasted. To much that was formerly complained of, much had been added; and more than ever, notwithstanding royal engagements solemnly entered into during the last sitting, were all offices and favours of state, and the application of all moneys and revenues of the crown, entrusted irresponsibly to one man. Popish divines, disqualified by Abbot, had been reinstated in power; penal laws had secretly been suspended; special pardons for offences against those laws had been granted to many Roman-catholic priests; and the very shames and resentments had again been actively roused, which were to have been scattered for ever by the war with popish Spain.

Not yet, however, as I have said, was this entirely revealed. Eliot's description of the proceedings of the sitting at Westminster will be found strictly confined to what passed in that interval; while the disclosure of much of this misgovernment, not fully known till the subsequent sitting at Oxford, was only as yet in progress. But it will be seen how speedily the grounds of suspicion that had arisen were confirmed; in what a deliberate intention on Buckingham's part the disagreement with parliament began; and that the course ultimately taken by the commons arose from no ungenerous or preconcerted plan of opposition to a young and untried sovereign, as frequently has been alleged, but from the gradual discovery of plan and concert on the part of the court, involving danger to the government and to religious freedom.

Before relating, from Eliot's papers, the way in which

these discoveries were made, and the results that followed hard upon them, it will be well to describe the position assumed by the lord keeper, which had some important consequences. The wily bishop was now playing a secret and somewhat bold game. He knew enough of the secret councils to see the danger Buckingham was in; and with what alacrity of sinking he was likely to fall, when once the descent should begin, "from the greatest height of popular estimation that any person had ascended to" (to quote Clarendon's expression), down to the depth of calumny and reproach.* He had, moreover, the wit to see that if the present favours to bishop Laud continued, his own further chances were for ever gone. The communication, therefore, with "the dangerous men of the house of commons," "the chief sticklers," as he called the principal parliamentary men, which formerly he had opened in Buckingham's interest, it had now occurred to him to try for his own; and it is clear, from the nature of the revelations made by his friend and biographer, that his plan was to play off some of the more influential men against the others, to get such mastery of their plans against Buckingham as he might use upon occasion either for or against him, and, according as he found the temper of the king, either to establish himself upon the favourite's ruin, or by saving him, to prefer such a claim for favour to himself as would give him the advantage over Laud.† The course of the intrigue, its incidental unseemly quarrels,‡ and its result, will shortly

* *Hist.* i. 9. (Ed. 1839.)

† *Scrinia Referata*. Part ii. p. 14-16.

‡ A lively account of it, with the faults of straining and over-ingenuity, will be found in Mr. D'Israeli's *Commentaries*, i. 249-272. It was a Peachem and Lockit affair, and Mr. Brodie has aptly so illustrated it. "Never," says that thoughtful moralist Jonathan Wild, "never trust the man who has reason to suspect you know he has injured you." Williams and Buckingham acted with decision on this maxim; and while the lord keeper intrigued for the duke's ruin, the lord-admiral counter-plotted for the ruin of the bishop. See Brodie's *Brit. Emp.* ii. 81; and Hackett's *Scrinia Referata*, part ii. pp. 13-25. See also Rushworth's first

be seen. Two of the chief persons meant to be involved were Eliot and Wentworth.

Hacket has described their relations at the outset of the parliamentary struggle. "Sir John Eliot of the West, and Sir Thomas Wentworth of the North, both in the prime of their age and wits, both conspicuous for able speakers, clashed so often in the house, and cudgelled one another with such strong contradictions, that it grew from an emulation between them to an enmity." The good bishop-biographer might have expressed himself more simply. The dislike between the men was of less gradual and far-fetched growth; having at once declared itself, with reasons perfectly intelligible, while the parliament still sat at Westminster. This will have ample illustration in its proper place; and here it is only necessary to add, before resuming a narrative to which extraordinary interest will be given by Eliot's descriptions of what passed within his own observation, that the position of antagonism to Buckingham into which that favourite's personal dislike, seconded by Williams's intrigue, had for a time forced Wentworth, appears for a time also to have held Eliot doubtful as to his own course. The lord-admiral continued to be chief of the department in which he was himself a high officer, and they were still in the habit of intercourse, though the old confidences and compliances had certainly ceased. The relation Eliot once held to Buckingham was now borne by sycophants and flatterers; but the duke had not openly broken the bond between them, and Eliot could not be the first to break it. It is to be added that his dislikes, and Wentworth's partialities, to Spain, put ever a wide

volume. In all their disputes, however, I think Williams, abominably servile and dishonest as he is, has the advantage; and he must have startled Buckingham not a little when he offered him one very sensible piece of advice, which has continued to be as applicable to all generations of statesmen since as it remains for all to come: "Let the members of the house of commons be treated fairly and friendly, for no man that is wise will show himself angry with the people of England."

distinction between them as to public policy. Eliot approved of the war, only desiring that the enemy should be openly declared ; and, while protesting against the misuse and waste of what already had been granted, he would have voted, under better security for their application, all needful further supplies. At the very outset of the session, it will be seen, this brought him into disagreement with Wentworth ; but a graver conflict between them was to follow.

III. RULES AND ORDERS OF THE HOUSE.

The tone adopted by Eliot, even before closing his description of the opening-day of parliament, shows how quickly hope was to give way to disappointment. Only two days later, and the reply to the Speaker's address had confirmed the evil omen. They must not, they were told, be impatient in the matter of jesuits, priests and recusants ; but must leave it wholly to his majesty's direction, for matter, manner, and time. They accepted the untimely assurance as a warning to protect themselves. It was clear that the ill-cemented league of the last session had fallen asunder, and that men were again ranging themselves on opposite sides, as preparing for a conflict.

The parliamentary leaders had no call to shrink from the issue likely to be raised, or from the duty it presented to them. The popular struggle with the court had now continued unceasingly for more than twenty years ; and though the commons had gained little in the way of formal enactment, there had been gains of another kind which made the struggle less unequal. By their success over James in the matter of impositions ; by their defeat of the assumed prerogative to bind the subject by a proclamation, and to levy customs at the outports ; and by their reliefs to trade in overthrowing monopolies ; they had drawn their constituents closer to them, and made their influence sensibly felt in the daily life of the people. But

above all, they were themselves now better equipped for battle. They had, after long and arduous struggle, achieved the exclusive right of determining their own contested elections. They were at last supreme in their own affairs. They had compelled the admission of their claim to debate freely all public matters. They had solemnly protested against any member's responsibility except to the house, for words spoken within it. And they had won back the awful right of impeachment against ministers of the crown. Whatever remained to be done, these things made it easier to do ; and in a daily-increasing energy in the nation itself, they saw their own strength reflected, and knew that the confidence they felt had its root in the sympathy of the people.

The methods of procedure now established in the commons' house comprised already much that historians are too apt to suppose had no existence before the parliament of 1640, and in themselves they are evidence of a settled consciousness of power, and of a knowledge of the means whereby the power was to be sustained, in every respect remarkable. In considering them the fact is never to be lost sight of, that none of the opportunities for direct communication with the people which existed even a century later, existed then ; that, upon their own rules and orders, and internal management of their affairs, rested not merely the hope of support from friends without their walls, but the sole chance of protection against treachery within them ; and that what is now too readily assumed to have been jealousy or tyranny, seldom or never exceeded what was barely necessary to maintain for them independent existence as a body in the state.

The first thing done on the assembling of a new parliament was the appointment of a committee for privileges ; precedence belonging of necessity to that on which their very being depended. To this, which was a standing committee, were referred all acts reflecting against, or tending to impeach, the rights of the commons ; where-

upon, examinations and evidence being taken, reports were made to the house for needful prevention and punishment. The grand business of this committee in a new parliament was determination of election disputes. All doubtful returns were referred to it; and most jealously did it guard the invaluable privilege, won at so much cost and pains, of determining the rights of membership within their own walls.

But besides the committee of privileges, it had now become the custom to appoint, ever, at the opening of a parliament, three grand committees, also permanent and standing, for religion, for grievances, and for courts of justice. The whole house sat in these committees, the Speaker only quitting his chair; and they had their weekly days assigned to them. They took general cognizance of all matters under those several heads, examined all complaints, and had power to send for all persons and records. The corruptions and injustices of courts, exactions by their ministers, oppressions of the people, abuses and enormities in the church, were brought before them respectively; "and these," Eliot remarks, "they discuss and handle for the knowledge of the facts, and if they find them faulty, worthy a publick judgement, thence they are reported to the house, which thereupon proceeds to censure and determine them."

In the same paper Eliot refers to the procedure in private committees, which he describes as transient, and selected of some few proportionable to the cause, but as having in their sphere and compass an equal power and interest with committees of the whole house. He explains the course taken as to the first and second reading of bills, in terms that show how faithfully the traditions of this great time were continued through the later years. The first reading, he says, was only formal: a bill being seldom or never then spoken to, unless on points of rejection and denial; and on these rarely, if there were colour for the intention, even though there might be

imperfections in the draught. But at the second reading all objections came in. Then were particulars both of the form and matter argued and debated; and thereupon it passed to commitment, where, by answer and reply, the discussion might be freer in the counterchange of reason and opinion. "This latter," continues Eliot, "is not admittable in the house, where, to avoid contestation and disorder, which replies and contradictions might induce, and to preserve the gravity, no man may speak in one day, and to one business, above once;*" though he would change opinion, which in committees is allowable. And therefore, upon the second reading of bills, they have such reference and commitment; that, there, they may the more punctually be considered, and so come to the exacter reformation and amendment. "In general, all committees are for preparation and dispatch: the judgment and conclusion is the house's. To facilitate that court in the multiplicity of her labours, these are the Argus and Briareus. The committees are the sentinels upon all affairs and interests: dissolving the difficulties, which their greatness or numbers do impart." And closely connected with them, it will be seen, and with the powers and duties they represented or enforced, were the grounds first taken for conflict and opposition in this first of Charles's parliaments.

But before I proceed to describe these, such other few notices from Eliot's papers may be added as will further show into what a settled system the lower house had already thrown its forms of procedure, and its laws for its own government. They derive additional interest from establishing an earlier date than is fixed in *Hatsell* for some of the rules most identified with modern parliamentary practice.

* This rule appears to have been settled, "for avoiding replies and heat, "and not to spend time," during the great debating excitements which preceded the dissolution of the parliament of 1620. See *ante*, 105-110.

With extraordinary jealousy the commons watched any interference by the sovereign, or the other house, tending to limit their right of adjourning themselves. This will more fully appear from incidents to be named in their proper place. The rules prevailing at conferences, the right of the lords to appoint place and time, and that of the commons to appear always by double the specified number of the lords, which had been very ancient, were now reaffirmed. The distinctions between the house with its speaker and mace, and committees of the house without that formality, were now not less eagerly contended for than during the trial of Strafford in later time. No man could lawfully sit under the age of twenty-one; though it would seem, from a remark by Sir Edward Coke, that many by connivance did so sit, who must, if questioned, have been turned out. Unless a man were present at prayers, his place could not be kept. Unless forty were assembled in the house, the Speaker could not take his chair. If a bill had been rejected, no second bill of the same substance could in the same session be introduced. "Great is their gravity in all things," exclaims Eliot; "and to avoid confusion and disturbance, on noe occasion, at noe time, is it lawful for a man, in one daie, to speake to one business above once; though his opinion alter'd, though his reason should be chang'd, more than in suffrage with the general vote at last, when the question is resolv'd by a single yea or noe."

So in regard to other rules for security of order and decorum. All were bound to be silent when the Speaker should offer to speak. Matters formerly claimed by the house, as the decision for choice of members rising together to speak, were now first referred to the Speaker's arbitrament. "No personall touches," continues Eliot, "are admitted in anie argument or dispute. Noe cavills or exceptions, nor anie member to be nam'd. Nor, where ther is contrarietie or dissent, may ther be mention

“of the persons but by periphraſis and deſcription. All
 “bitterneſs is excluded from their dialect, all words of
 “ſcandall and aſperſion. Noe man maie be interrupted
 “in his ſpeech, but for tranſgreſſion of that rule, or breach
 “of ſome other order of the houſe (as, for the intermix-
 “ing of their buſineſs, when one matter is on foote, to
 “ſtirr another before the deciſion of the former, which
 “in noe caſe is allowable). In all other thinges the
 “priviledg houlds throughout. The buſineſs, as the
 “perſon, has that freedome to paſs quietlie to the end.
 “Noe diſparitie or odds makes a difference in that courſe.
 “He that does firſt ſtand up, has the firſt libertie to
 “be heard. The meaneſt burgeſſes has as much favour as
 “the beſt knight or counſellor; all ſitting in one
 “capacitie of commoners, and in the like relation to
 “their countries.* If two riſe up at once, the Speaker
 “does determine it. He that his eye ſawe firſt, has the
 “precedence given: ſoe as noe diſtaſt or exception can
 “be taken, either for the order or the ſpeech.”

With characteriſtic pride in what before all things he
 valued, and was ready to ſacrifice all things to keep
 inviolate, Eliot adds his reaſon for ſo naming what might
 ſeem to be inconfiderable things. “I name theſe,” he
 ſays, “for the honour of that houſe. Noe wher more
 “gravitie can be found than is represented in that ſenate.
 “Noe court has more civilitie in itſelf, nor a face of
 “more dignitie towards ſtrangers. Noe wher more
 “equall juſtice can be found: nor yet, perhaps, more
 “wiſdom.”

IV. GRIEVANCES AND RELIGION.

Hardly had the committee for privileges been moved
 (one act only preceding it “to expreſs the devotion of
 “the houſe, expecting all bleſſings from above”†), when

* “Countries” was then uſed for what we now ſhould expreſs by
 “Counties.”

† I quote one of theſe opening paſſages, at length, from Eliot’s MS :

a petition was handed in against Sir Thomas Wentworth's return for Yorkshire. The party complaining was Sir John Savile. His and Wentworth's contestation in the country, Eliot remarks, had been great, "as their former emulation in that place; nor wanted they a reputation good in either, nor merit, if well-exercised, to support it. I mention here but that particular of Wentworth, because the whole business turned on him; his colleague in the service being but passive in the work, and so involved with Wentworth, as what was accidental to the one, was necessarily contingent to the other for the quality and merit of their cause; the same virtue and the same fortune being to both."

The petition being referred to committee, and the house proceeding to the usual formal arrangements for settling its order of business, a startling proposition was on the sudden quite unexpectedly made by Mr. Mallory, one of the northern men. These men, it should be observed, who during the last two parliaments had for the most part followed Wentworth's lead, formed a kind of special party in the house; deriving unusual importance

"The commons began with an act for observation of the sabbath, and to prevent the abuses of that daie. This being read, for the honour of religion, and to that end having the first precedence given to it; as well as further to express the devotion of the house, expecting all blessings from above; the next thing that followed it was the desire of a communion, that all the members of that bodie might joine, and in that worke of pietie the better to unite them in themselves and reconcile them to their head. And this religious motion was forthwith seconded by another for a day of preparation to that worke, and a generall humiliation to be made, by a publick fast i' th' kingdome, for which four reasons were assigned: 1. The miseries of the church abroad. 2. The plague and mortalitie at home. 3. The fleet and preparation then in hand. 4. The expectation of the parliament. To implore a blessing upon those; and deprecate the calamities of the others. Which reasons were approved and the desires resolved on. The communion was appointed for the Sundaie se'nnight after, and a committee named to see that all performed it. The private fast and preparation was to precede it on the Saturday. Preachers were designed for both; and it was ordered for the generall fast o' th' kingdom that a petition should be framed to move his majestie therein. Which acts of pietie being resolved, they descended to the ordinarie business of the house."

not more from the extent and wealth of the districts represented by them, than because of the various, fluctuating, popular grievances that had no where such sharp and pungent expression as from those busy manufacturing communities. To the general surprise, what the northern members now proposed was "to decline the whole proceedings of that meeting, and to petition for an adjournment to the king. The reason pretended," Eliot continues, "was the sickness, which had a great infection and increase: but most men did suppose *that* but the colour and pretext, and something more within it, which jealousy the sequel did confirm."*

In plain words, this startling proposal had for its object the hope of some ultimate evasion of the Yorkshire-election enquiry, by interposing present delays; and this being seen, several of the county members joined the privy councillors in resisting it. The reason urged by the latter was the absolute necessity of present supply; to which Wentworth himself, or as Eliot calls him "the elect of Yorkshire," did not scruple to make answer that for his part he was prepared to oppose any further grants to his majesty until full account should be rendered of the subsidies and fifteenths formerly given, "saying it was more necessary that that account were rendered than to require new aids." Eliot thereupon replied to him: speaking, as he said, in the interest of the country itself. He was for having due account rendered of the expenditure of the last subsidies, and hoped for satisfaction in that particular; but he held also, looking at the dissolution of the treaties and preparation of the fleet, that the new demand might be necessary. And supposing this to be the case, who would weigh the

* "It had its original," he says "from the north, and by some other northern spirits was seconded; who after practised *all the artifice of delay to defer the question of their knights*, and since have been declared so affected to themselves, and to their own advancements, that all consideration of justice and the publick they postponed."

danger from the sickness, how great soever, against the danger of not providing against an enemy? Who would not, as Mr. Solicitor had done, cite David's example for a direction in the case, that showed it better to fall into the righteous hands of God than into the wicked hands of men? But further, he maintained, any present adjournment would be contrary to the order of the house itself, which in giving direction for a publick fast had publickly implied a resolution to continue its sitting. To that end alone had the prayers of the church been desired to implore a blessing on its labours, and if it then declined, the act of devotion was in vain, and the practice and profession were incongruous. Nor did Eliot hesitate to add other reasons drawn from the circumstances of the new reign. He dwelt upon the consideration due to that first meeting with the king: "the expectation great upon it, the reputation of much importance that should follow it; and this, with the other reasons, finally so swayed the sense of the house, as, though new names were used to turn it, seeking only an alteration of the place* not of the time and business, yet the motion was rejected as improper, and by some held ominous and portentous."

This difficulty over, however, another took its place. Ready acceptance having been given to Eliot's plea for consideration to the new reign, several of the court speakers, backed also by some of the popular men, now reproduced the same circumstance as a reason why, at this special parliament, the committee for grievances should not be moved at all. A debate followed, not only striking in itself, but remarkable for the widely differing motives that animated even those that took the line of opposing the committee. "Divers oppositions

* Sir Robert Philips, according to the *Journals*, (i. 799) was for adjournment "to other time and place." The result was, according to the same authority, "the petition for adjournment not now to be put to question."

“it received,” says Eliot, “for divers interests and respects, publick and private, wherein contraries did meet. Some did dislike it for accident and circumstance, others simply and absolutely for itself. That it might have reflection on their errors who were conscious of a guilt, made these last averse, being obnoxious to the publick. Others, that thought it not seasonable at that time to begin the question of grievances which could not then be perfected, would, for the more certain punishment of the offenders, have had their cause reserved. Others were moved to the same view in real apprehension of the sickness, and desiring the dismissal of petitioners. Some had in contemplation the new entrance of the king, whose reign had not afforded opportunity for oppression, and should not therefore be dishonoured with an expression of complaint. Others remembered the old grievances exhibited to king James in his last parliament, to which there had been no answer; and advised only to petition, then, for that.”

For this last-named course old Sir Edward Coke was the leading advocate; but his speech having elicited from Wentworth the decisive avowal that nothing should content him but their proceeding *more majorum* as to grievances and all things else, Eliot promptly interposed thereon with the remark that, whether or not the grievances committee were specially moved, the objects for which it sat could not be forborne without forbearing also the first duty of a parliament, which was to redress grievances; and though the dislikes expressed might be obviated by naming a special committee to regulate the business of the house, to whom should be referred the duty of apportioning the public and private matters to be entertained, it would simply be reaching the same end by another road. He might have regretted, but he made no attempt to conceal, that here his sympathy went far with Wentworth.

At this stage of the debate Sir Benjamin Rudyard rose.

His position between the two parties, as already remarked, was a peculiar one ; and when he interfered at any critical division or dissension, he was supposed not to do it without a purpose and very elaborate preparation. He now rose to counsel moderation and temperance. He reminded the house that certainly the disagreement betwixt the king now with God, and his people, was begun and continued by mutual distastes in parliament, and had been the cause almost of all that they could call amiss in the state ; whereas it was the king that now is, who first gave the happy turn in that respect, whereby in the last parliament more grace had descended from the crown to the subject than in any parliament some hundreds of years before. And if all this befell when he was prince, how much more might be looked for now he was king. From which the speaker passed to eulogium on Charles's feeling for religion, and its influence on the exemplariness of his life ; inasmuch as he might strictly say there could hardly be found a private man of his years so free from ill, which, as it was more rare and difficult in the person of a king, so was it more exemplary and extensive in the operation ; and no doubt, being a blessing in itself, would call down more blessings from heaven upon the kingdom for his sake. Then, after praising his orderly tendencies (" order being indeed the very soul of outward things"), Rudyard pointed out that Charles's breeding had given him an advantage above all the kings in christendom ; for he had been abroad, and had treated with a wise and subtle nation in a business so great, that himself was the subject of it ; which had not only opened and enlarged, but quickened and sharpened his natural abilities, and made him understand his own kingdom the better. For, to know a man's own country alone was but a solitary kind of knowledge, in respect of knowing it by comparison with others. He would have them, therefore, carry themselves in that first session with sweetness, duty, and confidence in and toward his majesty ; for which no

doubt they would respectively receive such grace, satisfaction, and favour, as the dangerousness of the time, and therefore the shortness of it, could possibly allow. Towards the happy effecting thereof, Rudyard begged further to move, that they should fall upon such things only as were necessary, clear, and of dispatch; and that those businesses which had in them perplexity, difficulty, or asperity, might, if the house were not pleased altogether to omit them, yet be touched only by way of claim or grievance, and so be remitted to the next session, when they would have fitter opportunity and better leisure to debate them. "Last of all," Rudyard added, with a consciousness of the prevailing impression concerning himself, "to take off the least scruple of prejudice which misinterpretation may cast upon me, I do here solemnly protest, that, as heretofore I did never speak with king, prince, or favourite, of parliament business, so with our present king I never had the honour to speak forty words of any purpose whatsoever. Inasmuch, as what I have said, I have spoken it out of the sincerity of mine own heart, without any other end but the good of the commonwealth, whereof this assembly is the abridgement."

Eliot describes the effect of this speech, and says that for a time it certainly reduced to temper the affection that was stirred. Rudyard's reputation, he says, was high both for learning and wisdom; "and as he was in use and estimation with some great ones, more was expected from him than from others; which made the satisfaction to seem less, and those that were more critical to adjudge his composition more studied than exact. All men discerned in him no want of affection to be eloquent; but his expression was thought languid, as the conclusion was unapt: generals being fitter for discourse than in council or debate." The truth however was, as he afterwards states in a striking way, that whatever effect this speech might or was intended to have

produced was completely destroyed by what fell, immediately afterwards, from a speaker of a different order. Mr. Pym unexpectedly asked, what, in the event of the committee for grievances being dispensed with for the present, they proposed to do as to the committee for religion? Was that to be postponed also? Then, taking advantage of the agitation his question awakened, he urged the great danger and necessity upon the practice of the jesuits, the "insinuation" of the priests, the exercise of the mass in despite if not in derision of the laws, and the confidence and increase of papists thereupon. Which plague and infection of the soul was far more to be feared than all the plagues or infections of the body.

There was no getting rid of either committee after this. The debate at once was carried into ground inaccessible to arrangement or compromise. Describing what ensued, Eliot supplies us with an invaluable comment on the entire course of this unhappy reign; acutely discriminating what it is the common practice to confound, and showing what success might have attended a statesman in the interest of the court whom a like discrimination had guided to the real temper of the people. "It is observable in the house of commons," Eliot remarks, "as their whole story gives it, that wherever that mention does break forth of the fears or dangers in religion and the increase of popery, their affections are much stirred; and whatever is obnoxious in the state, it then is reckoned as an incident to that. For so it followed upon the agitation of this motion. First the danger of religion was observed in some general notes of prejudice; then by induction it was proved in the enumeration of particulars; and to that was urged the infelicities of the kingdom since this disease came in. This then had aggravation by a syncretism and comparison with the days of queen Elizabeth; whereto were added the new grievances and oppressions, wholly

“inferred and raised since the connivance with the papists. The monopolies that had been, the impositions that then were: all were reduced to *this*! Which I mention but to show the apprehension in the point, and the affection of that house in matter of religion.”

This passage is in every way remarkable. While it exhibits strongly that disposition of the commons to sudden and passionate resentments in questions of religion by which it is always sought to extenuate the conduct and policy of their opponents, it shows yet more strongly the reasons on which the resentments were based. In effect it disposes of the charge of fanaticism so often brought against the leaders of Charles's parliaments. Religion was not then a thing apart from but essentially mixed up with politics. There had been no attempt of the ministers of the reformed church to bring back the superstition and revive the tyranny of Rome, which had not also marked some corresponding decline in the government of the state, or malpractice in the ministers of the crown; while it had ever been accompanied by persecution and injustice to men who upheld what they believed to be the purity of teaching and doctrine. “The infelicities of the kingdom since that disease came in,” was the answer to those councillors who would have maintained the king's right with his bishops to judge of doctrine and discipline as a thing apart from his claim to so many subsidies. No, said the leaders of the commons, we cannot deliver into the judgments of men what we believe to be the ordinance and will of God. His wrath has visited us in the precise degree wherein we have tampered with the purity of the teaching delivered to us in the sacred writings; and His blessing has attended us so long as we championed what we believed to be the true faith. We will have no countenance, therefore, extended to what we hold to be false; and before we proceed to vote the king's supply, we must be satisfied that a disposition exists to remedy just complaints in matters of religion.

The subject was resumed on the following day, after a conference of both houses on the petition for the fast;* when Eliot took occasion himself to address the commons. The reason which influenced him, he tells us, was the consideration he desired to impress upon the house at that early stage, that the existing laws were sufficient for the maintenance of religion in the unity and purity of its establishment, provided some check were interposed to the continual remission of those laws; and his speech, besides being remarkable in this respect, is valuable evidence of his statesmanlike manner of regarding questions of that nature, and of the objects of government he most desired to promote by upholding the interdependence and inseparability of politics and religion.

Let not his majesty's councillors believe, said Eliot, that the matters then brought forward were intended for interruption to pressing affairs of state. It was the state which had deepest interest in them. Religion was the touchstone of all actions, and the trial by which they were known. It was that upon which all policy, all wisdom, all excellence, must be grounded; and what rested not on that centre, could have no perfection or assurance. For what the power of man was without God, or what without religion might be expected from His favour, his own words and stories did sufficiently declare. Religion only it was that fortified all

* At this conference archbishop Abbot, justly a favourite with the commons, took occasion to rebuke them for what he appears to have thought a precipitancy and over-eagerness on their part; and his rebuke was not unkindly taken. "At the conference," says Eliot, "the commons did present a draught of the petition and their reasons, with a motion to the lords for their concurrence in the work; who, by that reverend father of the church, the archbishop of Canterbury, returned this answer and reply: that they approved both their intention and their reasons, and were therein ready to assist them, but withal, out of a text in Joel, gave them such a caution and advice against private undertakings of that kind, as, upon their return unto their house, the former day was altered, and some time given for expectation in that point."

policy, that crowned all wisdom. That was the grace of excellence, the glory of power. "Sir," continued Eliot, "the strength of all government is religion; for though policy may secure a kingdom against foreigners (and soe I pray God this kingdom may always stand secure!), and wisdom may provide all necessities for the rule and government at home; yet if religion season* not the affections of the people, the danger is as much in our own Achitophels, as from Moab and all the armies of Philistines. Religion it is that keeps the subject in obedience, as being taught by God to honour his vicegerents. *A religando* it is called, as the common obligation among men; the tie of all friendship and society; the bond of all office and relation; writing every duty in the conscience, which is the strictest of all laws. Both the excellency and necessity hereof, the heathens knew that knew not true religion; and therefore, in their politics, they had it always for a maxim. A shame it were for us to be therein less intelligent than they! And if we truly know it, we cannot but be affectionate in this case. Two things are considerable therein; the purity, and the unity thereof: the first respecting only God, the other both God and man. For, where there is division in religion, as it does wrong divinity so it makes distractions among men. It dissolves all ties and obligations, civil and natural; the observation of heaven being more powerful than either policy or blood. For the purity of religion, in this place I need not speak; seeing how beautiful the memories of our fathers are therein made by their endeavours! For the unity, I wish posterity might say we had preserved for them, that which was left to us."

Words of noble and solemn import, which, if then

* In the former quotation of some sentences from this speech, *ante* p. 11, the word "season" has been mistakenly printed "secure."

received in their true signification by those whom more especially they addressed, might have given a quite different issue to this reign.

Such being what their fathers had risked everything to win, how stood they in regard to continuance? It was idle to deny that this unity, purchased by so much sacrifice, had been broken. But, a disease once entered, though it were past prevention, must have cure; and, as the danger or infection became greater, the greater care and diligence must oppose it. "What divisions," Eliot exclaimed, "what factions, nay, what fractions in religion, this kingdom does now suffer, I need not recapitulate. What divisions, what transactions, what alienations have been made, no man can be ignorant. How many members, in that point, have been dissected from this body, I mean the body of the land (which representatively we are), so as the body itself, though healthy, cannot but seem lame. How have those members studied to be incorporate with others! How have they threatened us, their own, not only by presumption, but in greatness; and given us fear, more than they have taken! Blessed be that hand, that has delivered us! Blessed this day that gives us hope, wherein the danger and infection may be stayed. For, without present remedy, the disease will scarce be curable. To effect this, the cause must first be fought from whence the sickness springs; and that will be best found in the survey of the laws. Certainly it lies in the laws, or in the manner of their execution. Either there is some defect or imperfection in the laws; or their life, the execution of them, is remitted. For, if the laws be perfect, how can division enter but by a breach of them; if the execution be observed, how can the laws be broken. Therefore in this does rest the cause, and here must be the remedy. To that end, now, my motion shall incline; for a review of the laws, and a special consideration as to their present inefficacy. If the

"division have gott in by imperfection of the laws, I
 "desire they may be amended; if by defect, that they
 "may be supplied; and if (as I most do fear it) through
 "neglect and want of execution, I pray the house to
 "give direction that the power may be enforced with
 "some great mulct and penaltie on the ministers, who
 "for that will be more vigilant, and we thereby secure."

This speech led to an animated discussion on the statutes in force against recusants, and the extent to which they had been rendered nugatory by privileges and pardons. Underlying all that was urged in the latter sense, was a strong resentment at the indifferent measure dealt out to recusants of another class; but no man in this debate spoke of the wrongs suffered by the Puritan. He left them to be suggested in the mere silent and pregnant contrast afforded by incessant favours to the Roman-catholic. That in themselves the laws against popery were sufficient, as Eliot asserted, no one took upon him to deny; but so inoperative were they by frequent evasions, that they had lost estimation and respect. Four such modes of practising on the law itself (*"fraus legi"*, or cozenage of the statute"), and four others of escaping the law by practising on the king's prerogative (*"fraus contra legem"*, or cozenage of his "majesty for what the law allowed him"), were particularly alleged and described. These were, under the first head, by delinquents obtaining such favour with great men at court that not only were informers intimidated from moving against them, but the very delinquents, papists, priests, and jesuits, were able actually to procure informations against themselves, which they had thus the power either to press or stop. By the same favour they were further permitted so frequently to change places and names, as to render public indictments next to impossible; and in the rare case of indictments actually preferred, they were assisted to remove them by "certioraries" from their respective counties, so as to leave

almost every case without a prosecutor. Under the second head, it was shown that for the like purpose the king's authority had been freely and dangerously used. All sufficient levy of forfeitures had been prevented by the removal of goods into privileged places; by the granting of the forfeitures to those about the sovereign who intended not punishment but favour to papists; by letters of prohibition giving stay to proceedings; and by direct royal pardons too frequently granted, "not only to recusants but to jesuits."

Such, at the opening of Charles's reign, while the laws against puritan dissent were pressed with eager severity, was the condition of the laws to which the great bulk of the nation in those days looked for their only safeguard and succour against Rome. The picture will startle many whom the statements of writers otherwise disposed have familiarised with opposite views; who have quoted the statute-book to show how harsh were its provisions; who have condemned this parliament for desiring to exaggerate what it was the duty of the council to keep within stricter limit; and who have ascribed the disasters of Charles's later parliaments to the intemperance that would now have singled out a young king's accession for addition of fresh penalties to a persecution already intolerable. Eliot places the real state of the case entirely beyond question. After giving various instances under the several heads named above, he proceeds: "All which did hinder the execution of the laws, and rendered them fruitless in that point; and herein were found the causes of disease and sickness. Examples were cited of all these, to warrant their reasons and opinions, whereof it was thought necessary there should be a true information to the king, and an address and petition to reform them. For a preparation to that work, the clerk was appointed to bring in, at the next sitting, all the petitions of that kind which formerly had been made,

"but of which the further consideration was reserved." This was done accordingly; and the petitions of the 18th and 21st of James having been read, together with the declaration publicly made in the latter year by the prince upon his deliverance out of Spain, a committee was appointed to frame a new petition and address. Both houses then completed their arrangements for observance of the fast; and, continues Eliot, "one church being not capable of both houses, as the lords did take the abbey, we chose the parish church at Westminster, in which our communions were before, and now our first of fasts."

These things were done in the house during the last days of June; and as, in even the scanty and imperfect records of the commons' journals, there is a complete blank from the 22nd of that month to the 4th of July, the papers by Eliot alone remain to offer any indication of what was passing. We read them all therefore with a special interest, and among them the first day's proceedings against Richard Montagu.

This reverend doctor, who had obtained his first preferment nine years ago by his triumphant assertion against Selden of the sacred origin of tithes, and who had since, notwithstanding formal complaints very seriously entertained in James's last parliament against his *New Gag for an Old Goose*, risen steadily in favour, was on the first of July reported to the house from the committee of religion as having published a second book under the title of *Appello Cæsarem*, of a character yet more objectionable than the first.* Shortly before the old king's death this book had made its appearance, and on the new king's accession its author had been selected for promised preferment. Though not yet one of the royal chaplains, he headed

* The *New Gag* was a title suggested by the papist book, *A Gag for the New Gospel*, which it professed to reply to. The *Appello* was of course an appeal from assailants to his royal patron.

Laud's list under the letter O : his especially orthodox claims being, that in all his writings he had ridiculed the puritans; that in his last work he had laboriously upheld the divine right existing in monarchy ; and that, as well in it and its predecessor as from his pulpit in the protestant church of England, he had taught and preached confession and absolution, the doctrine of the real presence, ordination as one of the sacraments, the use of images and of the sign of the cross, and the efficacy of the saints.

The debate opened with a statement volunteered through one of the members by archbishop Abbot, curious in itself, and decisive of the fatal opposition to moderate councils within the church itself, which, through his influence with Buckingham, Laud had for some years been secretly pressing against Abbot's authority. Upon complaint made of Montagu's first book in James's last parliament, it was now stated that the archbishop had called the author before him ; and telling him of the troubles he had caused, and what disturbance had grown in the church and in parliament by his book, had given him this advice. " Be occasion of no more scandal. Go home. Review your book. It may be some things have slipped in, which upon second cogitation you will reform. If anything be said too much, take it away. If anything too little, add unto it. If anything be obscure, explain it. But do not wed yourself to your own opinion ; and remember, we must give account of our ministry to Christ." With which having dismissed him, he had heard no more of him for several months ; when, going one day to attend the old king in his illness, the archbishop came suddenly upon Montagu, who " presented him *in cursu*, as it were, his second book ; for which being shortly questioned, as the place and time permitted, of that bouldness and neglect, he " made a slight answer and departed."

The impression produced upon the house by this statement, Eliot informs us, was of a mixed kind. Much

wonder there was at Montagu's insolence, that dared to affront the dignity of the head of the church; and stranger still many thought the lenity of the archbishop, which had passed unpunished such an indignity to his place and person. But Eliot and some few others took a nearer view, and found in it matter for more grave reflection. Those that looked more narrowly, he says, conceived one reason for both; and that Montagu's boldness, and the archbishop's remissness, *were by command*. They turned the discussion off from the personal matter introduced, thanked my lord of Canterbury, and carried a vote that the books themselves should be reported on by the committee for religion.

Six days later that report was made; the vote of subsidies and the petition for religion having both, in the brief interval, been sent up to the lords.* A sharp necessity for promptitude had arisen. The plague was increasing upon them. By this seventh of July, Eliot tells us, it had risen to a great infection and mortality. "Noe part of the aire did stand free. Divers fell dead downe in the streets. All companies and places were suspected. All men were willing to remove; and they of the parliament were eager to shorten and expedite their businessse." The petition for religion had gone up to the lords on the fourth. A committee of both houses carried it next day to the king; and on the sixth a partial answer had been vouchsafed, the complete answer being reserved until the houses should reassemble. Unhappily it was such that "the hope and expectation which was held, from thenceforth did decline;" and on the day following, Montagu stood at the bar of the commons.

* After stating that in all such special meetings and committees the difference is always observed that whatever the number of lords the proportion of commons still doubles it, Eliot thus remarks upon that rule: "It is a fundamental order of their house, not without wisdom in the institution for appointed, *not with profit practis'd on all occasions*; and as it was at other times, so followed now in this."

In reply to their questions he confirmed the archbishop's statement, but declared that he had acted in conformity with the wish of king James. His majesty's warrant had authorised his first book; and when the primate sent for him, the king left it to his own choice whether or not he should attend the summons. His second book, he went on to say, had the like warrant and authority; and his majesty had indeed declared with an oath, upon view of the tenets and opinions therein, that if that were to be a papist he was himself a papist. He concluded by referring the house to the work itself, which bore opposite to its title the printed approval of the king's censor, doctor White.

This confession of Montagu's was, in Eliot's opinion, more confident than ingenuous. He means that the accused had told only a portion of the truth; that he had made the old king his scapegoat, and kept back his real supporters. His former powerful patron being dead, Eliot remarks, it could not be imagined he should now assume that boldness of himself. They were living and not less powerful patrons with whom the house would have to deal. He points at Laud.

After Montagu had left the bar, a warm debate ensued in which the leading members, including most of the privy councillors, took part. The latter urged strongly their dissent from those who had been most active in the case, upon one point. Without doubting that there might be large matters of exception to the doctrine in Montagu's books, they yet held that "for the dispute of *them*, as noe fitt subject for the parliament, the wisdom of the commons should decline." Others, not going so far, would yet have had all innovations of doctrine reserved for another kind of censure, upon which the house might act ultimately with greater confidence. Eliot leant to that view, but at the same time pointed out what appeared to him to offer occasion for such immediate censure as the house might properly exercise.

This man had done his best to disturb the state, both as to church and government. He had accused well-affected subjects of the desire for anarchy. He had acted in derogation of parliament, and in contempt of the privilege and jurisdiction of that house. Being under complaint there for his first book, he published the second in maintenance of the first, whose opponents he had therein calumniated. Mr. Pym dwelt with yet greater force upon this argument. Between the king and his good subjects Montagu had sown jealousies, and had declared the puritans to be a potent prevailing *faction* in the kingdom. By way of irony and scorn he had termed their most pious divines "saint-seeming, bible-bearing, and hypocritical ;" their churches, "conventicles;" and their preaching, "prating." Calvin, Perkins, Reynolds, and Whitaker, he had sneered at and slighted ; while he had affirmed the church of Rome to be the spouse of Christ. What otherwise could be designed thereby but sedition and disturbance to the state ? Would they have a fire kindled here, as in the Low Countries by Arminius ? If not, let them prefer against the author of these books a charge to be transmitted to the lords ; and let him meanwhile be committed for contempt to the commons, with directions to remain in custody of their serjeant.

Vehement resistance was made to this by the court party. They took first the ground, that an existing parliament had not such cognizance of any preceding parliament as to make offences to the latter questionable, much less punishable, in the former ; and upon this being overruled, they again strongly urged that matter of dogma and doctrine was not subject to parliamentary jurisdiction. But here also the majority went against them. Those articles being opposed which parliament had enacted, was it not the duty of parliament to maintain them ? This however was less the ground taken than that of the tendency of Montagu's teaching to such disturbance of the

peace and quiet of the state, as well as of the unity and tranquillity of the church, as Fleta and other constitutional authorities had pronounced to be eminently of civil concern, and within the province of the secular court and magistrate.* In the end, Montagu was brought back to the bar, and there kneeling received censure as having been guilty of a great contempt, and was committed to the custody of the serjeant of the house.

At this point a very significant remark is made by Eliot. "Some," he says, not naming them, immediately before Montagu was sent for, suggested that the house might do well for its own honour to pause a little, and consider further before ordering that man's commitment; left, contrary to their meaning, it should prove not a punishment, but a preferment. The suggestion at the time was made light of, but the time was very shortly to arrive when its wisdom became manifest. Before the house adjourned Montagu was made king's

* I give the exact words of Eliot in describing this part of the debate. After stating the proposal for the charge and commitment of Montagu, he proceeds: "These opinions, though most agreeing with the house, had yet some opposition and resistance. It was first objected, against the authority of the house, that one parliament had not cognizance of another; nor were the offences to a former questionable, much less punishable, in a latter. But the vanity of that argument was discovered by the clear light of reason and authority. The whole course of parliament spoke against it; the practice of all times, the example of all courts. Divers precedents were cited for illustration in the points, which soon composed that question. Others that had an inclination to that party (for even with Christ there was one Judas in the fellowship), objected the nature of the cause, and by making it seeme doctrinall would exclude the jurisdiction of that court; and for the doctrines likewise labor'd to insinuate a defence, for that they were not by any publicke act condemned in the censure of the church. But these as soon were rejected and cast off, by difference and distinction of the fact, in that the points insisted on were but civil, for the honor of the king, the privilege of the parliament, the peace and quiet of the state, the unity and tranquillity of the church, which, it was said by Fleta, were appropiate to the secular courts and magistrates. These reasons were a satisfaction to that doubt. But further it was added, that, the articles being opposed which were confirmed by parliament, the parliament ought in duty to maintain them. Upon which it was without difficulty resolv'd both for the commitment and the charge."

chaplain, and released from custody, though not from his bond.* No prophets were they that had given the caution, says Eliot, no revelation had been vouchsafed to them. They were simply men who had taken more accurate measure than their fellows of the counsels and counsellors predominant with the new king; who had been able, from careful observation of the meridian of the state, to cast thus early its disposition; and the latter he proceeds to put in a formula of words expressive of the entire tragedy of Charles Stuart's reign. "*To make men most obnoxious most secure, and those that were most hateful to the publick to be most honoured and esteemed.*"

But before the brief interval is passed when Montagu will reappear, and that truth begin to be more fully known, the two subjects that were to occupy the house up to the time of its adjournment call our attention away. Upon the Yorkshire election dispute, and upon the course taken in matter of supply, Eliot has that to say which none of the histories have said, and will communicate some facts of striking interest and importance.

V. WENTWORTH'S ELECTION FOR YORKSHIRE.

More clearly to understand the interest excited by this disputed election for Yorkshire, it is necessary to revert to a similar dispute in the parliament of 1620. Sir John Savile, who was beaten in that year, had again seated himself and his son for the county during the popular agitations of 1623 amid which the last parliament of James assembled; but for the second time, in the present year, young Wentworth had managed to defeat that powerful interest. It was with the help indeed of

* "July 7, Thursday. Richard Montagu was brought into the lower house of parliament." "July 9, Saturday. It pleased his majesty, king Charles, to intimate to the house of commons that what had been there said and resolved, without consulting, in Montagu's cause, was not pleasing to him." "July 13, Wednesday. I was the first who certified him (Richard Montagu) of the king's favour to him."—*Laud's Diary*.

another Yorkshireman, Sir Thomas Fairfax of Denton, that at this election of 1625 he had carried Yorkshire against his rivals; but in 1620 he had forced in as his colleague a non-resident in the county, Sir George Calvert, the king's secretary of state, and though Savile's petition against the return failed, the impression left by the enquiry had been of a character to attract increased attention to any revival of charges such as Savile formerly had made, and had in fact greatly contributed to the return of himself and his son in the next following parliament.

He then charged Wentworth personally with having threatened the freeholders, and with an "unlawful pre-paring them" to elect himself and his kinsman; and to prove his case, he produced two warrants written in Wentworth's name as justice of peace, and signed by two high constables: the one requiring, the other requesting, the freeholders of such a place or parish to be at York on Christmas-day, there to make election of him and Calvert; and both of them informing the freeholders that the subscribing constables respectively were to certify to Wentworth all the names, as well of those giving as of those refusing him their voices. He produced also an attorney named Johnson, who professed to have read in Wentworth's own hand, and to have heard twice read by others, a letter to a third high constable named Stanhope, willing and requiring him not only to summon the freeholders to attend Wentworth at York with a view to his own and Calvert's election, but to inform them that the names of such as refused would be duly reported.

Wentworth took the accusation very loftily at the opening debate on the petition, before its reference to committee. As he should meet Savile's charges at the due season, he said, he declined then to enter upon them. Nevertheless the opinion was strongly and generally expressed that, although a man might write to his friends to induce electors to give their voices, it was unlawful to

require, or to threaten, or to order the names of refusers to be reported; for in such case, when a man was "powerful in his county," the election ceased to be free.

The committee met, several witnesses were examined, and the excitement and interest created appear to have been extraordinary. The committee room was so crowded that Sir William Herbert had to make complaint to the house that the place was so possessed by those not of the committee, that they of the committee could not hear. It was not believed possible however, nor was it attempted, to displace the interlopers; and the room remained equally crowded to the end.

Everything turned on the evidence the high constables might give.* It they should attempt to screen themselves by pleading anything of compulsion on Wentworth's part, his seat was gone. But the two who were first called both swore, that for the wording of the warrants complained of they were themselves responsible. What they understood from Wentworth's instructions was, that he only desired the freeholders to come and

* I limit myself in this rapid sketch to the most material points, but there were other incidental questions raised. The charge, for instance, as further opened by Savile (the son of old Sir John, himself subsequently Lord Savile in the Scotch peerage, after his father had taken an English barony), involved the high sheriff as in complicity with the constables unduly to favour Wentworth. Witnesses were produced to swear that he had excluded great numbers who came to vote for Savile, and had never troubled himself to enquire whether they who shouted for Savile's opponent were freeholders or not. Three persons swore stoutly that on the day of election about "a thousand persons crying *A Savile!*" and pressing to the town hall, had been refused, the door being kept by halberds, and that, upon one of them offering to break in, his head was broken in. To this was opposed the evidence of Sir Arthur Ingram, who showed that the place in York where the knights were chosen is where the prison is, and that the reason why there were men with halberds at the entry of the hall was, not to overawe the electors, but to secure, and, for that time of the election, keep safe the prisoners. Several other members deposed to the evidently manifest superiority in numbers of Wentworth's supporters over those of his opponent; and Lord Clifford craved leave to inform the committee that his brother Wentworth had only consented to stand for Yorkshire at his instance and strong desire, and was it likely he should afterwards labour to be returned by undue and unlawful means?

choose him and Calvert if they thought them fit men and liked of them; and they declared that there was nothing unusual in the language transmitting those instructions. Questioned more closely as to the obligation sought to be imposed upon them to disclose to Wentworth the names of such as might refuse to vote for him, they replied less distinctly to the point of clearing Wentworth, but they urged that such taking of the names was only to let Sir Thomas know who would be for him, and for whom, and how many, he should make provision among his friends at York. The third high constable, Stanhope, stated by Johnson to have received the most imperative commands from Wentworth, produced the letter alleged to contain them; and it turned out to be, in so many words, not a command, but an entreaty to the high constables to desire the petty constables to set down the names of all freeholders within their townships, and which of them had promised to be at York and bestow their voices with Wentworth, that so he might possess a testimony of their good affections, and know whom he was beholden to. Practically there was no great difference between this and the language complained of; but there was no expressed threat, and the law had not been directly violated. The result was that the committee, leaving the constables to the censure of the house, declared the election good; but a proposition to clear Wentworth for the preparation was strongly resisted, and only passed by a bare majority. The feeling thereby expressed showed itself more remarkably on the day when the committee reported their decision.

A vote to clear the election was followed by a debate as to the conduct of the high constables, very obviously animated by strong personal resentments. The character of Sir Thomas Wentworth had declared itself with sufficient plainness throughout the proceedings. It was not merely that he had excluded the old popular member, Sir John Savile, from the representation of this

great county, and had forced into it a stranger, a minister of state, a man having neither property nor connections there; but that, from the first stage of the business to the last, from his appearance as a candidate to the vote that had just declared him lawfully seated, he had carried with him a personal influence of that predominant kind which exacts complete submission where it fails to provoke timely resistance. It was intolerable that the right of free election should be so overborne. The general sense was frankly avowed in an exclamation from Sir Samuel Sandys in the course of the debate, "No man right here to think himself so great as to oppress any member of this house with his greatness!" Taking the same ground, one of the gentlemen out of Yorkshire spoke so bitterly that it was thought best to bring the debate for that time to a close, and give order for the attendance of the constables in three days to receive judgment. The third day passed, and brought them; but without bringing calmer temper to the house.

Amid the heat and anger however which the tone assumed by Wentworth in defending his seat, quite as much as his conduct at his election, still provoked, two remarkable speeches, by quitting the ground of mere personal attack, gave unexpectedly a higher character to the debate. The member for Oxford, Sir John Brooke, quoting the language of the old writs of election and of the statute of Henry the Fourth, stigmatised it as grave misconduct to have employed the constables at all. That such functionaries should be told, no matter in what language, to summon freeholders to vote for a particular candidate, was without ground, without example. High constables had nothing to do in it. Notice to freeholders was to be given, not in constables' warrants, but in pleno comitatu. A man who offered himself for election was as a man put upon his trial. He might claim his jury, but had no claim to control its opinion. "But I did not," cried Went-

worth from his seat ; while the explanation tendered by the friends who restrained him from rising, that his request had merely been for lists of all that could vote with such names marked as were favourable to him, and that this did not warrant the construction attempted to be given, called up the great lawyer Noye. No authority stood so high in the house, saving Coke's alone ; and it was thrown into the scale against Wentworth. Elections, he said, ought to be free. If those constables had done ill and now went unpunished, it would encourage them ; and the country would think, they being questioned and cleared, that parliament approved the ill-doing. He could not see the difference between the explanations and the charge. Lists of all the electors marking such as had promised votes, were also lists of those who had not promised ; and Sir Thomas Wentworth had gone too far when he so desired a certificate of such as refused to come. What was it but to fear them* with a reminiscar ? For uttering that solitary word to the chief baron after an adverse judgment in the exchequer, Lord Bruce of Breinar had been sentenced by the council to walk round about Westminster-hall in his doublet and hose, without cloak, hat, or sword ; and fit was it that these constables, for forestalling freedom of election by their warrants, and terrifying men with as much as a reminiscar, should go to the Tower !

It was a hard sentence for the poor Yorkshiremen, but it was of course levelled really against Wentworth. It was, as his friend Hutton, son of the ship-money judge, bluntly remarked, to "blemish the member chosen." Again therefore there was strong resistance. It was pointed out that the men were poor, and that they had been put to great charges, for that they had now been five weeks out of Yorkshire, and all the time at their own expense. The opinion was also thrown out

* "Fear them"—daunt them.

that the Tower would be a less effectual punishment than public submission at the sessions in their own county. On the other hand it was urged that the house had no power to order such submission; and Mr. Mallory, who stated this, went on to say that sufficient account had not been taken of what was due to the freeholders of Yorkshire, whose rights should be "more valued." He had been himself an eye and ear witness of the discontent of the gentlemen of the county at the constables' doings. The like had never been known before, nor had there been even due scrutiny of the votes given. It was a very ill precedent. Other speeches followed in the same tone, until at last the solicitor-general closed the stormy debate by offering a compromise. Adopting the suggestion for a public submission at the next Yorkshire sessions, he would also have the constables then and there called in and severely reprimanded at the bar; and he explained that though the house had no power to command the execution of a punishment in any place out of that town, they might enjoin formally the penalty, and upon its non-performance might command the offending party thither again. This was accepted. It seemed a satisfaction, as Sir Robert Philips tersely said, for the double wrong. "A wrong to the house, therefore an acknowledgment here. A wrong to the county, so a confession there."

The offending constables were brought in accordingly; and having made, kneeling at the bar, the submission required, and having received Mr. Speaker's severe censure "for meddling with what belonged not to them, for undue preparation, for warrants of command to petty constables, and for menaces, by requiring the names of refusers to be delivered;" they were informed that if, at the next quarter sessions for the west-riding, they did not make submission in the same terms before their county, they would have to appear again before that house.

And what then was to be said to the high constable Stanhope, who had produced the letter falsely described by Savile's witness Johnson? To this question, put by Wentworth himself, the house replied by directing Stanhope's charges, amounting to 5*l*, to be paid by Savile. But this did not satisfy Wentworth. He rose again and made appeal to the justice of the house for punishment of Savile's witness, "one Johnson a solicitor." Johnson had stated that of himself, which Stanhope, by production of the letter, had shown to be untrue. This statement could not strictly be denied. There had been undoubted misrepresentation. Johnson was brought before the house, knelt at the bar, and received his reprimand.

Still Wentworth, whom the proceedings altogether had deeply moved, remained unsatisfied. Again he spoke; and with much vehemence pressed the fact, that Savile's charges had been brought against himself, and that they had failed in proof. Against him personally nothing whatever had been established, and he therefore desired judgment upon Savile also. A less haughty, determined, and pertinacious spirit than Wentworth's, would hardly have claimed such absolute acquittal while any sound still lingered in the house of the extraordinary debates I have rapidly sketched; but his was a temper that rose in proportion to the resistance it provoked, and, short of everything, counted nothing gained. On this point, however, the commons would not give way. If Savile had not brought home his charge against the member for Yorkshire, he had yet produced matter of grave import to the charge, and had vindicated freedom of election. "Not fit," said Sir Thomas Roe, "to discourage any that shall inform in such case."

And so closed the first chapter of what Wentworth called his "Adventures of Knighthood," the knowledge of which is essential to any thorough understanding of that second and more important chapter now waiting

to be described. For this reason the facts have been brought together here; but they supply also the earliest detailed narrative known to me in our history of the incidents of a contested election. They mark the advance made thus early in a just appreciation of the relations that should subsist between electors and elected, and which lie at the root of all civil freedom. They were lightly put aside by him who ought most to have been impressed by them: but it is important to note that the warning was at least thus emphatically given, however deliberately disregarded; and that, on the very threshold of his great career, this remarkable man encountered, not the subjugated England he sacrificed his genius and his life to restore, but a people who already had risen against their bonds, and were under the guidance of leaders well-born and independent as himself, as far removed from servility, and as inaccessible to fear.

And now, in this first parliament of the new reign, the lesson was to be administered again, more roughly than before. The sharpness of the expected struggle had declared itself on the first day's meeting, in the attempt of the northern men to evade the enquiry altogether by forcing an adjournment. This having failed, the resource left was to interpose all the delays permitted by the forms of the house, or suggested by the course of the proceedings; and with what success this was practised, and what bitterness it provoked, Eliot strikingly describes. From the first day of the sitting, he says, up to the 5th of July, the matter had been in continual agitation. It was not merely that in the committee it led to incessant examinations and debates, but that several reports and motions were made upon it in the house, inasmuch that in both the ordinary business had been greatly disturbed. Almost all the members shared in the excitement, and took one side or the other. On either side, if such a thing (interposes Eliot) might be imagined in the in-

tegrity of that court, the power and influence of the respective antagonists drew numbers over to themselves. There were also some, himself for instance, who interfered not in affection to the parties, but in dislike of the practices that had been used; and so sharply from every quarter were the arguments pressed, that it became impossible to keep them within the limits of the questions raised. These were repeatedly abandoned for sallies of personal invective. Great distastes and bitterness in consequence arose, and a fierce spirit took possession of almost every one. Such is Eliot's statement generally as to the tone and character of the debates on the Yorkshire election.

Savile's case, supported by a petition from a hundred and fifty of the freeholders of the county, briefly was, that upon the day of the election at York, he had a majority of the voters on his side, and that he had duly, within the proper time, demanded a poll; that the sheriff, being altogether in Wentworth's interest, "wholly "Wentworth's," had with much difficulty and manifest reluctance been brought to grant this; that whilst it continued, he took measures to exclude all freeholders who had not been present at the reading of the writ; and that, after about thirty-five had polled, when he saw that the greater chances were for Savile, he made an excuse for abandoning the poll, and took upon him to decide by view for the return of Wentworth. Besides the petition, seven freeholders presented themselves to depose, *vivâ voce*, to the circumstances alleged; and the substance of what they said may be as briefly stated. There had been unusual excitement, it seemed; the emulation in the choice for parliament, always strong in that county, having risen to unexampled height; and never had so large a concourse been brought together in the county court at York. But the confusion also consequent on that multitude, became too great to admit of the possibility of any decision either upon the cry or the

view, as the taking voices and show of hands were then called ; and Savile's friends had therefore claimed, as the touchstone and only means of trial, a poll. This the sheriff at first refused, alleging some point of time ; under the same pretence, he had unwarrantably closed the castle gates against many voters outside ; nor was it until greatly pressed he at last had yielded so far as to concede a poll, and then as of courtesy, not of right, and restricting it to such as had been present when the writ was read. Even so, however, hardly had thirty-five votes been taken, when, seeing that Savile was like to carry it, he made a pretence for assuming the judgment to himself and pronounced the choice for Wentworth ; " whereas the other had more voices ;" double, it was asserted. Such were the averments of the friends of Savile.

Wentworth deigned at first but a brief reply. He denied every statement made. But, supposing there were any truth in what was pretended, he conceived that he was not himself under any obligation to repel those charges. They did not concern him but the sheriff, who would doubtless be sent for. At the same time he reminded the house, that, as the enquiry affected his seat, he and his colleague, Sir Thomas Fairfax, would have claim to be heard by counsel, and to obtain time to bring up witnesses if necessary ; and the house would remember that the distance was great, and that there must be ample opportunity allowed for the purpose. The result was that the sheriff was summoned to come up, a fortnight being allowed for his appearance ; and intimation was given that Wentworth and Fairfax might instruct their counsel.

Nothing, Eliot remarks at this point, could equal the vexation exhibited at this display of a fixed determination not to drop the enquiry. The spirit continued to show itself that had impelled the first daring attempt to force adjournment of the subject by adjourning the house

itself. But it was north against north, he adds significantly ; and Savile had the older experience. All the arts that northern policy could invent, therefore, to gain advantage in the carriage, met in the end but their own likenefs. The care and diligence that opposed them were no less than theirs, and the craft was more. Savile knew too well those paths of subtlety not himself to follow the hunter on his track ; and, being more beaten in the way, he was able in his own trap to ensnare him. The occasion for evincing this will shortly present itself ; and meanwhile Savile offers no retort to Wentworth's denials, nor makes any corresponding application to have his own case argued by counsel. Of course the fortnight allowed to the summons had not been permitted to expire without renewed efforts to evade the house's order ; but these had not availed, and two days after the time appointed* the sheriff made reluctant appearance.

In the following fashion he stated his case. Immediately after eight o'clock, he said, on the morning of the election, he made proclamation and read the writ, at the usual place. Then, the gates according to custom being shut, he took a view of the freeholders ; and returning, declared his opinion that Wentworth and Fairfax had double the voices to Savile. Upon demand of the poll, he admitted that he had started some difficulty in granting it ; but excused this by reason that it was past the proper hour before the demand was made. He admitted also the interruption of the poll by his authority, as alleged ; and that, five and thirty having been numbered, it was proceeded in no further ; but the occasion he imputed wholly to Savile himself. For this he gave two reasons : charging Savile, by the first, with having attempted to bring unqualified persons up to the polling-booth, and, by the second, with having frightened or driven away by unauthorised representations qualified persons who

* " Even at the last," says Eliot, " affecting not the service, he made no haste."

had come to vote for Wentworth. He was pressed very closely with questions from all sides on both these points. To some, says Eliot, he answered negatively, to some dilatorily and doubtfully, uncertainly to all; so that little truth could be gathered from his words, and less content and satisfaction from himself. But in the end the story took the following shape.

For the more perfect taking of the poll, he had caused all the freeholders present at the reading of the writ—holding such only as duly qualified to vote—to be drawn by the foregate into the castle yard, and there enclosed between that gate and the postern; with provision that each freeholder, as he was sworn and numbered, should be let out at the postern gate, where the polling clerks were stationed. His object in this was not merely to prevent confusion and disorder, but to avoid the abuse and scandal not unfrequent on such occasions, of the same electors presenting themselves more than once, and under divers names getting themselves each counted for several. Savile having good reason, he continued, to regard this as an objectionable precaution, his resistance became so determined that it led to the breaking open of the foregate; through which there then poured numbers of his supporters who had newly come, who had not heard the reading of the writ, whom he, the sheriff, believed to be not qualified to take part in the election, and whose interference he therefore regarded as an illegal disturbance to the course and due order they were in. Nor was this all. Even before those outrages began, and the gates had been shut, Savile had raised and circulated a report among the freeholders that he meant to keep the poll open for several days; whereupon a great many of Wentworth's voters, disinclined to encounter more of the crowding and excitement at that time, and apprehending a long attendance, left the court disheartened; which he, the sheriff, conceived to be itself so grave an interruption to the work as to justify him in

abandoning the poll. And on this having no doubt, either by view or hearing, of Wentworth's majority, he assumed the judgment to himself, and announced the return.

Seeing the house indisposed to admit his statements without corroborative evidence, the sheriff excused himself for not having brought witnesses by declaring that he had interpreted the house's order as requiring his own attendance simply; and therefore he now claimed it as of right, if his statements were disputed, that he should have a new liberty of proof, and additional time for the purpose.

At this stage Eliot appears first to have interfered. He showed to what these various pleas and pretences for delay tended. Referring to the daily increase of the plague, he reminded the house that any prolonged sitting could not be expected; that more than usual haste and brevity were now unavoidably imposed on all matters in hand; and that already they were under the necessity of contracting, for easier dispatch, many businesses of great importance. For what, then, were the suggestions of further and still further adjournment made in the matter before them; for what, on the first day of their sitting, had been that prodigious motion for adjourning the house itself; but to avoid a decision altogether? If they granted this, it would but bring forth another. Let them not doubt but that it must be so. Such was the corruption of some hearts in the fear of what affected themselves, that for their private humours they were at all times ready to put aside the public interests. He would move therefore that the sheriff's statements should be dealt with by the house as they stood, without giving further time for examination of additional witnesses; and he carried this in committee by a majority of 25 to 17.

Wentworth, who according to invariable custom had retired during the discussion, now returned, appealed to the house, and forced on another passionate

debate. He declared that he had never sought to delay his cause, and was only desirous to have it heard in a legal manner. As for the number of the freeholders, it would be fully proved that beyond all question the far greater number were for him and Sir Thomas Fairfax. And as for their position and rank, he had been supported on the day of the election by the greatest number of men of quality that had taken part in any return these twenty years. On the other hand, Sir John Savile had brought with him numbers not entitled to take part in the election; and the occupier of the very house in which the Savile party chiefly were, had confessed that he was himself no freeholder. Then, as for the poll, the case stood thus. It had been demanded by his opponent out of a mere spirit of cavil, and with no intention that it should proceed. The demand was made after eleven o'clock. Nevertheless the sheriff gave way; and the poll was proceeding at the postern gate, the foregate having been shut by the sheriff's direction, when, by the unlawful act of Sir John Savile himself, it was interrupted. In the recent case of Pontefract, where the election was void, the poll had been broken off by the parties returned. In that of Cambridgeshire, the sheriff, on being demanded the poll, had performed it not. His own case differed altogether; and he desired the house at once to determine that it should, as now stated, be either granted him or denied him. If granted, he would claim that his counsel, already conceded by the house, be heard at the bar the following day, to maintain in that state of facts the law to be on his side. If, as submitted, the case were denied, he demanded to prove it by witnesses, a right not refused to any; and time must be given him to bring up those witnesses.

The debate that ensued on this appeal (at which permission seems to have been given for Wentworth himself to be present, the merits not being in question so much as the manner of procedure) was in several points

remarkable, and not the least for the very modified support given to Wentworth by some of the king's council, while others sharply opposed him. Coke liked not the sheriff's answer, for he held him to have been bound to grant the poll. But neither did he like to strike the fitting members through the sheriff's side. The matter of fact was not yet clear to him. Before judgment could be given it must be ascertained whether the poll was demanded in due time, and whether he who demanded it broke it off, or was the means whereby it was broken off. Sir Francis Seymour was for Wentworth. Sir Edward Giles went strongly against him. Mr. Glanville, "that pregnant western lawyer," as Eliot calls him, started a doubt whether, even as it was, the poll being demanded but not granted before eleven o'clock, the sheriff could be held to have granted it at all in the sense of a legal compliance with the demand. The solicitor-general and the chancellor of the duchy both spoke with much reserve; but their view practically was, that the hearing of witnesses could not be refused unless the house were prepared to admit the case as stated by the sheriff. To this Eliot spoke. Contrasting the statements of both parties, he had found nothing in the sheriff's case that met the clear, affirmative, and particular proof alleged on the other side. The fact of the poll being demanded in due time and interrupted by the sheriff, though it might still be altogether doubtful where the majority of voices were, was enough to avoid the election and return made, though it concluded not another. In his opinion, therefore, they might with safety pass to judgment. For he held, in effect, that to admit the case of the sheriff, which was Wentworth's case, would not place either of them in a better position; and that any further evidence in proof or disproof was needless. Hereupon Wentworth rose again vehemently to protest ("but by more heard than "credited," Eliot interposes), that he affected not delay in contemplation of himself, but desired only legally to be

heard, and that for the honour of the house. What he had asked for was the mere common rule of justice. He expected it in that court, and should therein accordingly apply himself. At this the northern lawyers backed him strongly, urging that Savile's case had broken down on the facts as declared by him. The reasons for the alleged interruption were insufficient, seeing that no man was compellable to be present at the election, but all had free liberty to depart. A sheriff, besides, had the whole power of the county; and that being so, what other power was to be supposed sufficient to force interruption upon him? The result was that, upon a suggestion from Sir Edward Coke, bringing the house back to the point of what was demanded by Wentworth, and in which Coke so far agreed as to hold that some admitted statement of the facts was become indispensable to any decision, it was ordered that a statement of the circumstances of Savile's alleged disturbance of the poll should be immediately drawn up by the sitting members, Wentworth and Fairfax, in conjunction with the sheriff; that this should be put in as their case; and that in the event of Savile disputing any matter stated therein, the house should give such further direction as it thought fit. So accordingly it was settled; and Savile, upon receiving the case in writing, was to present himself at the next sitting to give in his answer upon it.

Hardly had it so been arranged, however, when Wentworth saw the advantage upon one point given to his adversary, though he was unprepared for the advantage immediately seized by him upon all. The sitting member's policy was delay, yet the course taken must bring the matter to issue. Fain would he still have prevented, says Eliot, the present decision which he feared, and have kept a little longer at distance upon the points of examination and defence. "Delaie and pro-
"craftination was his hope. Manie things, by that, might
"occur to worke his sattie. Divers are the intervenients

“ of time. The remoteness of his witnesses was a faire
“ pretext for this, if that occasion had been granted
“ him ; but now, that opportunitie depending upon the
“ discretion of his adverſarie, his hopes therein were
“ leſſen’d ; and what he had mov’d himſelf, himſelf againe
“ repented.” But it was too late, and the caſe went on.

On Tuesday the 5th of July, Savile preſented himſelf, and deſired “ in ſome few things ” a hearing. He was at once brought into the houſe, and heard without the bar being put down. He apologized for the trouble he had occaſioned. He grieved that any concerns of his ſhould ſo long have been an interruption to their buſineſs. His anxiety now was to prevent their further vexation in the matter. With this view, though the writing he held in his hand had been delivered to him but late the night before, and ſmall time had been vouchſafed him for conſideration of the caſe, he was ready then and there to accept it for concluſion of the work ; only deſiring that two things might be conceded to him. The written ſtatement of the ſitting members having been handed to him without any name affixed to it, he requested, firſt, that it might be ſubſcribed by Wentworth ; and, next, that Wentworth might be called upon to avow, upon his reputation in that houſe, that ſo much therein ſet down as came within his knowledge was true, and that the reſt he thought ſo.

The words had ſcarcely dropped from Savile, ſays Eliot, when Wentworth ſaw that he had fallen into his own ſnare. It was not merely that by ſtating his caſe in any form in writing, he had put into a feaſible ſhape what the houſe had to decide ; but that Savile, by not, conteſting the caſe even as ſo put by his adverſary, had barred all further poſſibility but of immediate deciſion one way or the other. “ Nothing he
“ firſt doubted leſs,” Eliot remarks, “ than admiſſion
“ of his caſe ; ſuppoſing the jealousie of his adverſary
“ would have made him fight at diſtance. But he, that

“was his countryman and equall, seeing the advantage
 “readilie, clofed presentlie upon him in that grant, and,
 “by concession of the case, surpris’d and foe disarm’d
 “him.”

With or without arms, however, Wentworth was not the man to cease fighting to the last; and he now formally preferred his claim to have witnesses heard. It would seem that in the paper drawn up for Savile, he and Fairfax had contented themselves with what they held to be a sufficient counter-statement to the strong point of Savile’s case, the demand and interruption of the poll; but now he urged that the house was bound to consider also the alleged plurality of voices present for himself and Fairfax. This, though it had been overlooked and omitted in their statement, was most essential to their case; their opponent had denied it; and upon it he now had witnesses ready to avouch the truth. Having so stated this claim, Wentworth, as the custom always was with members whose personal affairs were in debate, retired, and the discussion proceeded in his absence.

The demand for the hearing of witnesses appears not to have been entertained. “The question being stated
 “by himselfe,” says Eliot, “and that depending meerlie
 “upon the demand and interruption of the poll, the
 “other was impertinent.” The debate turned entirely therefore on the case as stated; and it was pointed out by one of the privy councillors, as already Eliot had intimated, that nothing in it as now put forth by the sitting members practically differed from what the sheriff “had pretended.” The interruption objected to Savile rested altogether on the rumour or report whereby he was alleged to have induced many qualified voters to quit the castle yard, or on that so-called illegal forcing open of the gate through which unqualified persons had entered. But of these allegations there had been no proof. The only proofs offered went to show that the demand for a poll by Savile had not been unseasonably made;

and indeed so much had been implicitly confessed by the admitted practice of the sheriff. Mr. Whistler, a lawyer of great ability who represented the city of Oxford, expressed more strongly the same view. He held the election to be not good upon the case as now stated. He was against the shutting of the gate. Assuming for true what the sheriff had said of the conduct of Savile's friends, the general body of freeholders had an interest superior to Savile's, and no misconduct of his could be pleaded in justification of a wrong to the county. The member for Surrey, Sir George Moore, expressed some doubt whether the misconduct of the sheriff, which he thought had certainly been established, should suffice to render the election void; and the solicitor-general, Sir Robert Heath, replied to the argument of the member for Oxford. Heath was closely allied to Buckingham, and his present interference connects itself as well with the part taken so strongly by Eliot on the other side, as with some subsequent overtures to Wentworth himself which will shortly have mention. Mr. Solicitor's opinion was that Savile was in the wrong upon the showing of the case. The sheriff having decided for the return of Wentworth and Fairfax, this necessarily must stand good until avoided by good and plain matter. If indeed the sheriff had denied the poll, or himself done anything unfitting in the course of it, that might be cause to avoid the election; but if such disturbance as occurred had been not upon his part, but upon that of Savile, and if this made it impossible for the sheriff to proceed rightly, he could not see that this was any default of that officer. To this feeble argument one of the Cornish members, Sir Samuel Rolle, replied promptly and decisively. He pointed out that denying the poll, and not pursuing the poll, amounted in reality to the same thing; that to exclude qualified voters by shutting the gate was unwarrantable; that supposing the poll to have continued, and Savile to have

been elected, his election must have been held good ; and that no mere interruption on the part of Savile, as alleged, could be interpreted as necessarily making good the return of Wentworth. Hereupon some of the northern men again interfered, shifting the ground Wentworth himself had taken ; and claimed that as the points just raised were matter of law, the sitting members should be heard by counsel. But so stoutly was this opposed, and not the least by some of the court party, that a division had to be taken, when there appeared for Wentworth, the tellers being his intimate friends, Sir Francis Seymour and Christopher Wandesforde, 94 ; and against him, the tellers being Lord Cavendish and Sir Dudley Digges, 133.

Eliot's narrative exists to show what followed this majority of 39, or it might well nigh have seemed incredible. After describing the much opposition created by the proposal as to counsel, the question being of fact, and the "great contestation it begott, even to the division "of the house," he goes on to say that this being overruled and the debate resumed, "a new interruption it "received by a new motion for himselfe " (Wentworth) "once more to be heard before they went to judgment ! "Great labor was for this, and as great care to stop it ; "intending but delaie. Against him was objected the "long time he had had from the beginning of the "parliament ; the often-hearing he received att the "committee, and in the house, wher his whole defence "was knowne ; that before he was withdrawne to give "waie to the debate, as in all such cases it was usuall, he "had a full libertie to expresse himselfe, and his whole "apologie was heard. Nothing could be added but "protraction, which would be a further injurie to the "house ; and therefor was nott to be admitted or "receav'd. Upon this it was soe resolv'd, and the "debate proceeded. When, contrarie to the funda- "mentall order of the house, by which no man may be

“ present at the agitation of his own cause, Wentworth
 “ came in confidentlie to his place ; and gave occasion to
 “ him that was then speaking——”

Eliot was speaking. He was charging the sheriff with having wronged the house by limiting the rights of voters, when the incident occurred so characteristic of the man whom we now know as Strafford, but who as yet was imperfectly known ; and, what the orator seized occasion to say having been preserved among his papers at Port Eliot, I can complete the narrative of an incident in all respects very memorable.

It should be premised, before printing the attack which Eliot now made on Wentworth, that ever since the breaking of the Spanish match and the subjection of king James to Buckingham, Wentworth's opinions and conduct had been undergoing manifest change. Immediately after the dissolution of parliament in 1621, the newswriters described him as having been singled out for a peerage,* to which his services to the court in that parliament entitled him ; and at the close of the following year there is evidence of his employment in the old king's special affairs.† But in the parliament of 1623 he had taken up the tone of a tribune of the people, and since that date had held aloof from Whitehall. Hence doubtless the opposition from court quarters that had lately displayed itself against him, but not from any source so unworthy sprang the indignation now expressed by Eliot. At the time when the *Negotium Posterorum* was written, Wentworth had declared himself once more for the king, after speeches

* S.P.O. MS. Chamberlain to Carleton. “ Sir Thomas Wentworth “ of Yorkshire and Sir Edward Montagu to be made barons.” In another letter he says that his title was to be Viscount Raby. Jan. 19, 1621-22.

† S.P.O. MS. “ Order of Charles Lord Stanhope for post-horses and “ a guide for Sir Thomas Wentworth repairing to York and back, on the “ king's special affairs.” Dec. 21, 1622. To the same service he alludes himself, in a well-known letter to Weston, “ calling to mind the faithful “ service I had the honor to do to his majesty now with God, ” &c.—*Strafford Disp.* i. 35. There is also a letter of Conway's to Calvert (MS.) in the S.P.O. in which he mentions the “ just praise ” the king had bestowed on Wentworth, July 5, 1623.

for the popular cause which had placed him in front rank with its defenders ; but here Eliot spoke without any such experience. He saw but before him, braving parliamentary privilege, the man who most loudly had asserted it in 1623 ; and coupling what was manifest of his power with that observation of his recklessness, the thought not unnaturally arose to Eliot from the reading most familiar to him in Roman story, of men gaining their strength in the service of liberty to employ it in attempting her overthrow, and coming in to the senate-house to destroy the senate. Whatever we may think now of the justice of his unsparing invective, we cannot but deeply be impressed by the estimate he had thus early formed of the capacity of Wentworth, and of the dark and dangerous issues it might involve.

"But, Mr. Speaker," he said, interrupting his argument against the sheriff's violation of their rights as he saw Wentworth moving up from the bar, "any violation of our rights may be well excused in others when they suffer violation by ourselves. Strangers, persons not members of our house, foreigners, may be pardoned who have ignorance to plead for them, when we suffer, as at this instant, from our own members. No such attempt or action can be so prejudicial as this ; and this," he continued, confronting Wentworth with a scorn provoked doubtless by his own, "done in contempt of us, yea, in the height of scorn and injury. If we admit the dishonour of ourselves, how then shall others value us ? And if we admit a dishonour by our members, how shall we avoid it in ourselves ? I say, Sir, a greater dishonour and contempt this house has at no time suffered than what now affronts it here. No abilities, no power, no station can excuse it. To be excluded by a fundamental order of the house so well known to all men, and that so lately urged by him that now does break it ; to be debarred on question by a particular act and rule, and yet to intrude against

“it; what is it less than to bid defiance to your power
“and a farewell to your privilege? Should I compare
“it, it could have no parallel but that Roman’s whom
“Cicero denounced and destroyed. *In senatum venit!*
“He comes into *this* senate, but with a will to ruin it.
“How else interpret the intention of that act, that would
“destroy our privilege? But did I say it was *a member*
“did it? I must retract that error in the place, or be
“false to the opinion which I have; for, either by the
“election he pretends or for this act and insolence, I
“cannot hold him worthy of the name. And so, involv-
“ing both questions under one, as a full determination
“of his case, let us from hence expel him.”

“Yet hear me first,” cried Wentworth, as, with a general feeling unmistakeably against him, he rose to leave. He spoke briefly, and without interruption. He thought the sheriff had been treated hardly. It was not denied that new men were let into the courtyard after the gates were closed; and how could the sheriff in such case tender them the oath whether they had been present or not at the reading of the writ? Having no power by the statute to administer the oath, he must have incurred a præmunire. He would urge them, then, to stay the resolution of this business, being matter of law; and he would pray that it might be referred to a full house. With this Wentworth left; and a leading northern member who represented Newcastle, Sir Henry Anderson, having proposed that the matter should at least be deferred till next day, the member for Maldon, Sir Henry Mildmay, moved an amendment which was at once carried, and the house proceeded to judgment. Nor was it till this final stage that the greatest authority in the house on election matters interposed decisively, and serjeant Glanville produced a number of cases to show that so many as came in during the polling, whether present or not at the reading of the writ, had right of voices. After this no further question could be made. The demand

for the poll being admitted, the interruption was proved to be frivolous, and two resolutions were straightway passed. The first declared, that, the case concerning the election of the knights for Yorkshire being admitted, the election of the said knights was not duly made, and a warrant must issue for a new election. The second conceded so much to the powerful and persevering men of the north, as to order that the sheriff should be no further questioned for his part in the affair.

Eliot closes his account in the *Negotium* by anticipating the surprise that might probably be occasioned by his having travailed in the question so elaborately, and in so seemingly small a matter made so particular a relation. But he had done this, and had dwelt upon the incident so largely, because of the strange and lurid light it threw on Wentworth's subsequent career. "It being the occasion of greater thinges to come, wee thought it not unnecessarie the more carefullie to expresse it, that the power and influence may be seene of such small starrs and planets, from whence great works, as Tacitus has observed, often receive originall." More plainly he adds, in words that are filled with meaning. "The major part of courtiers in this question banded maynelie against Wentworth, *whereof he retain'd a memorie*; and others that for pure reason did oppose him, *he forgott not*. The effect and operation followed after, of the sense he then contracted; which, from that spark, did rise to a great flame and burning."

When Eliot thus wrote, in the recess before the final sitting of the third parliament, the flame which rose so high against the court had sunk again, and Wentworth was in the service of the king. But the writer's memory still was fresh of the part they had played together in the debates on the petition of right. And though the language of Cicero to Catiline would again intrude itself; though with it also came the image of a triumvir and viceroy of the east whose thirst for power and aggrandisement extinguished his

career of glory, and Eliot had to make bitter allusion to opportunities wasted and genius abused ; no contemporary has written with a stronger desire to do justice to a great intellect, and nothing comparable to his eulogy of Wentworth is on record at so early a part of that statesman's career. Very worthy of note is it also that the close of his career is here prefigured, and the secret of Strafford's ruin as plainly pointed out as the source of Wentworth's power.

"There was in that gentleman," says Eliot, writing twelve years before Strafford's fall, but in a paper designed for posterity and not for his own time, "a good choice of parts, naturall and acquisit, and "noe less opinion of them. A strong eloquence he "had, and a comprehension of much reason. His arguments were weightie and acute, and his descriptions "exquisit. When he would move his hearers with "the apprehension of his sense, he had both *acumina dictorum* and *illus sententiarum* to affect them. His "abilities were great, both in judgment and persuasion ; and as great a reputation did attend them. But "those manie and great virtues, as Livy saies of Hanniball, as great vices parallel'd. Or rather, they were "in him, as Cicero notes in Catiline, *signa virtutum*, "formes of virtue onlie, not the matter ; for they "seldom were directed to good ends, and when they "had that colour some other secret mov'd them. His "covetousnes and ambition were both violent, as were "his waies to serve them. *Neque in pecunia, neque in gloria concupiscenda*, as Crassus is render'd by Paterculus, *aut modum novat aut capiebat terminum*. And "those affections raised him to so much pride and choler, "as anie opposition did transport him. Which rendered "him less powerful to his adversaries, wher the advantage was followed and perceaved."

So dismissing Wentworth most characteristically, but not so the subject altogether, Eliot lingers to extract from it a higher interest than any merely personal. He

shows the value towards future elections of the rules which the decision of the house had laid down. These were: that the poll might be demanded at any time between the reading of the writ and eleven o'clock; that no excuse might serve for its interruption; and that all who offered themselves during its continuance, though not present at the reading of the writ, had their votes and suffrage free. "Which shews the libertie of the commons in the act of such elections, and the great care of parliament to justify and preserve it; in which, yet, no man is compellable to attend." He mentions also the principle established by two other disputed returns adjudged during the session. Sir William Cope, member for the county of Oxford in the 1623 parliament, having been arrested and taken in execution during its prorogation, got his liberty by habeas and went abroad, staying there until again elected for Banbury to the parliament of 1625, when he returned and claimed his seat. This however was refused him on two grounds; the first, that a prorogation, unlike an adjournment, gives no privilege from arrest beyond the sixteen days immediately following it; and the second, that no one in execution is eligible to parliament, because his enlargement would by law deprive the creditor of his debt. That was one case. The other was Mr. Bassett's, a Devonshire squire who had been for two years a prisoner upon original and mesne process, his arrest being for so large a sum that no man dared bail him, but who nevertheless had been returned for the borough of Fowey, on which he was set free and admitted. "I mention these cases," Eliot adds, "to show their different judgments, and the rules of proceeding in that house; which, as they are exact to preserve the publick interests, are curious also and intensitive for the private. Justice, in all, being the ground on which they build; though the first stone and foundation be their privilege."

Through the later career of the two illustrious men whom we have seen thus brought into collision by this

Yorkshire election, the remembrance of what has so been revealed to us never passed away ; and many circumstances in the after-lives of both, till now unaccounted for, have here their explanation. As Eliot by degrees took up his place of extreme antagonism to Buckingham, that minister, struggling still against a former dislike of Wentworth, yet saw the advantage of a better understanding with one whom Eliot* so sharply had assailed ; and when these overtures, entertained for a time, failed through other causes, and Wentworth in the third parliament took his place by Eliot, intrigues to win either to the court were woven around both, whereof the then ex-keeper Williams, at his wit's end in those days to recover the favour he had lost, was chief contriver and artificer.† It was no ill guess by Mr. Hallam, when

* " At the dissolved parliament in Oxford," writes Wentworth to Weston, chancellor of the exchequer, " you are privy how I was moved from and in behalf of the duke of Buckingham, with promise of his good esteem and favour ; you are privy that my answer was, I did honour the duke's person, that I would be ready to serve him in the quality of an honest man and a gentleman ; you are privy that the duke took this in good part, sent me thanks. As for respects done him, you are privy *how* during that sitting I performed what I had professed." *Straff. Disp.* i. 34-35. These allusions, and the surprise he goes on to express at the ill return he had received for such performance of his promise, will be better understood when the narrative of the Oxford sitting (in which Wentworth, having carried a new election, again sat for Yorkshire) is laid before the reader. It will be seen that though he refrained from joining in the attack on the duke, he opposed the demand for further supply.

† When his intrigues for the time had failed, Williams made a partial confession in his apology before cited (pp. 178 and 231), wherein, while manifesting the utmost spleen against Eliot, even he unconsciously clears him. " I never," he says, " spake at Oxford with any of the stirring men, as was untruly suggested to your majesty, excepting once with Philips, with the privy and for the service of the duke ; and with Wentworth at his first coming to town, and before his coming to the house, who promised (and I do verily believe he performed it) to carry himself advantageously to your majesty's service, and not to join with any that should fly upon my lord duke. The rest are all strangers to me ; and I never spake with any one of them concerning any parliamentary matters." This is the very paper nevertheless, in which, as we have seen, though at the time when it was written Eliot had been appointed to draw up charges for Buckingham's impeachment, he charged him as having been " never out of my lord duke's chamber and bosom." *Scrinia Referata*, ii. 19. Ample

which the king and court attached an importance predominant over all, and for which only in their view was it worth assembling a parliament. How much money would be given? The debates that determined the answer filled the interval between the 22nd of June and the 4th of July, when even the commons' journals are a blank to us. With the greater interest, therefore, we read these papers by Eliot.

"A gentleman of the cuntry" pitched the tone of the first discussion; below what was known as the desire of the court, but so much in agreement with that of the house that "all the court rhetoric and labour could hardly thence remove it." He named a subsidy and a fifteenth as a sufficient sum, considering that three entire subsidies and three-fifteenths* had been voted so recently, and that some similar application must shortly be renewed. Upon this again there was employed as mediator, Sir Benjamin Rudyard; "who but at such times, and in such services, did speake; never but premeditated, which had more show of memorie than affection, and made his words lesse powerfull than observed." Again he was unsuccessful. His reasons for enlargement of the vote were grounded on the domestic charges of the king, the expenses of his father's funeral, and the necessary entertainment of ambassadors; not less than upon the preparations for war, the large foreign expenses, and the engagements to Denmark, the States, and Mansfeldt: all which, he pointed out, required such a supply as the people alone could give. But the coldness of the house discouraged him, and he sat down without even naming the sum he would have had them vote. Then did divers others follow him, "and in divers waies and motions. Some would have an addition of fifteenths, others of subsidies; and there wer that pres'd for both: but in little they prevail'd. The pitch being sett at

* Upwards of 350,000*l.* See *ante*, 153, 154.

“ first, was not so easilie exceeded ; yet the quindecem*
“ thought grievous to the poore, chang’d the propofi-
“ tion in that part ; which was concluded, in the whole,
“ for two subsidies alone.”

The speech that so far determined it as to make further appeal unavailing was Sir Robert Philips’s. He began by referring to the time when this supply was asked. It was then but the beginning, whereas supply was anciently a work of the concluding, of a parliament. The grant itself, he next declared, taken in connection with what had preceded it by but a few months, was of such value as not four of our preceding English kings ever had received the like. He desired the house to remember, moreover, the condition of the people ; and their small ability to contribute, through the many violations of their rights, in the general liberties of the kingdom, in the particular privileges of that house, in their burdens, in their oppressions, which no times else could parallel. If, deferring such complaints, they consented to give at all, did it not speak them more than ordinarily affectionate ? He denied altogether that they were under any engagement to give. The last parliament of James had indeed declared for a war, and made promises for its support ; but where was their enemy ? None such was even yet declared. Where, too, was the reckoning that had been promised them for the grant then made ? What reckoning, alas ! *could* be rendered of the many thousand men who had perished in the Palatinate and with Mansfeldt ; or of the millions of treasure that had been spent, without success to the kingdom, and without profit or honour to the king ? Other days there were when such was noted *not* to be England’s fate ; days when God and she were friends ! And for this were instanced the glories of queen Eliza-

* The “*fifteenth*,” within which came men of smaller means and fortunes than the “subsidy” reached.

beth, who, with less supplies and aids, increased herself at home, wasted her enemies abroad, consumed Spain, raised the Low Countries, revived and strengthened France. Upon all which it was desired that there might be a petition to the king to move him to consideration of these things, and to reform the government, then at his entrance and beginning, by the like counsel and advice. A petition and remonstrance would further tell him how affectionate in such circumstances was that grant; which for himself, Philips added, he was so far from desiring to augment, that he should feel shame if any man further could be found to suggest it.

A great effect was produced by this speech in the apprehension of the house, Eliot remarks, both for its settlement of the question at issue, and its reflection on the times. It struck a chord to which the response was immediate and decisive. "The present povertie was felt in the generall necessities of the countrie. The cause of that was knowne to be the grievances and oppressions. The loss of men, loss of monie, the late infortunities of king James, were too obvious and undoubted; as the contrarie felicities of queen Elizabeth. Soe as all men of themselves sawe the present want of counsell, *and some resolv'd, in time, more specially to com-plain it.*" The task was difficult in the circumstances that surrounded him, but Eliot had by this time, for himself at any rate, resolved to undertake it.

He proceeds to say of Philips that there was in him a natural grace of oratory, "a moving and Nestorean waie of rhetoricke. A choise store he had, and elegance of words; a readinesse and dexteritie in fancie and conception; a voice and pronounciation also of much sweetness; the whole expression *profluens et canora*, but, as some judg'd of Cicero, so by some thought in him, *tumens et exultans*. A redundancie and exuberance he had, and an affected cadence and deliverie: but upon all occasions, at all times, he spoke *from* the occasion,

“*ex re nata*, which made his arguments, as more genuine
“and particular, soe more acceptable and persuasive.
“For in that place, alwaies, premeditation is an error ;
“and all speech of composition and exactness being sup-
“posed *ex ore non a pectore*, those children onlie of the
“mouth fall ever short of the true issues of the heart.”

No opposition further was made, after the speech of Philips, to a bill for the grant of two subsidies.* Even the king received it graciously, and from this arose the general hope of a speedy conclusion and success to that sitting. Charles had at this time withdrawn to Hampton-court because of the spread of the pestilence in London and Westminster, and his message was delivered by the lord keeper on the 4th of July, the day before that appointed for the second reading of the bill. Williams then told them that his majesty had received great satisfaction and contentment in their gift both for the form and matter, it coming as an earnest of their love. That he took into consideration their safeties far more than his own, in respect of the danger of the sickness still increasing ; and that when he should hear the commons were ready, though he would not hasten them in anything, he would not defer one minute for any other reason to put an end to the sitting by his presence or otherwise.

Eliot gives an importance to this message not heretofore understood by describing the sense in which it was received and the effect produced by it. What men desire, he remarks, they are ready to believe ; and it occurred to no man to doubt but that the king meant unreservedly what was said in his message. The great majority of the members, therefore, disposed themselves presently to leave for their homes. Their grant being accepted, and all things left to the discretion of the house,

* Philips's speech, Eliot elsewhere remarks, “was a charme upon the
“courtiers to suppress their further craving. Yet something was added by
“the rest for the improvement of the gift, that the recusants should paie
“double : which after some small letts was likewise recorded and concluded
“on, whereof the acceptance and success shall be noted in their order.”

they knew that the business still depending was considerable, and that its transaction might be matter of course. The few questions that remained were of no very great importance; most of them were but formal; and more, they presumed, would not be entertained. Acting on the king's expressed and supposed desire, therefore, that they should regard their own safety as of an importance paramount to any further immediate attendance, and relying on the implied assurance which his majesty had also given, that, after interval sufficient for such safety, the means of reassembling would be duly afforded them, they believed their attendance to be for the present dispensable, and no longer felt the necessity of remaining in a plague-visited city.

"In this confidence," Eliot adds, "the greatest part went off. Hardly were the commons a fourth part of their number. And those that staid, resolv'd with all the haste they could to follow those that were gone." How natural this was will appear further from the fact that at this date the deaths from plague had reached an average of 5,000 a week; and that the city had become so empty of its ordinary inhabitants that grass was beginning to grow in the streets. Lily the astrologer, who lived in a house over against Strand-bridge, and was in the habit of going between six and seven on these summer mornings to prayers at St. Antholin's church in Watling-street, tells us that in this now present month of July, on going there, "so few people were then alive and the streets so unfrequented" he met only three persons in the way.*

Scarcely had the house thus quickly cleared itself of three-fourths of its members, however, when one subject assumed suddenly an importance not expected. The bill for tonnage and poundage had been introduced in the usual form with the subsidy bill; but, upon the second reading coming on before that fragment of a house,

* Lily's *Observations*, 15. And See Whitlocke's *Memorials*, i. 5.

such strong reasons presented themselves against the ordinary course of procedure as to lead to the suggestion, first made by Sir Francis Seymour, which has raised against this parliament its sharpest assailants. It will nevertheless appear to us, as here explained by Eliot, both justifiable and natural. The matter is too important not to be described in his exact words.

The bill, he says, "was drawne in the usuall forme, "as formerlie it had been in the daies of king James; "for the like terme of life and in such latitude as to "him. At which some exceptions were then made, and "motions for change and alteration; upon which it was "referr'd, for the better discussion and debate, to the "grand committee of the house, into which, the "Speaker leaving his chair, they presentlie resolv'd "themselves. Some did object, in that, the exactions "of the officers, and the inequality of the customs then "required; and urg'd therein a necessitie for the mar- "chantes to have a new book of rates, to settle and "compose it; which could not be prepared in so short a "time and sitting. Others alleged the pretermitted "customs, grounded upon the misconstruction of that "lawe, which ought to be examined likewise; *and the "lawyers that then remayn'd were thought to be incapable "of that worke.* Therefore, on these reasons, they "infer'd a desire for a limitation in the act, and that it "might but continue for one year; against which time, "those difficulties being resolv'd, *they might againe renew "it with a larger extension and continuance.* Others to "this added the question of impositions in the generall, "and crav'd a special care not to have that excluded. "The elder times were mentioned to note the former "grants, wherein, though there were collected a great "varietie and difference, yet all were within the limitation "of some years. Sometimes for one, sometimes for two, "seldome above three, and that in the best raignes and "governments, and to the wisest princes; *but never for*

"life till towards the end of Henry VI, in whose beginnings also it had had other limitations and restraints, and for the time a less extent and latitude. Upon which likewise it was concluded for a present alteration in that point. The king's council oppos'd this with much solicitation and endeavor, and urg'd the distaste it might occasion, having so many descents held constant in that forme. The hopes and meritts of the king wer compar'd with all his ancestors; and it was prest as a prejudice therein if the grant should then be limited, having been absolute to the others. *It was thereupon consented that a proviso should be added for the saving of those rights*; and in this forme the bill past that house, and had its transition to the lords, wher it receav'd like favor and dispatch; but was not made a law, wanting the *roy le veut*; which being denied it, *showed what must be lookt for.*"

But other things had shown it before that denial came. The modified tonnage and poundage bill passed on the morning of Thursday the 7th July, up to which time all had gone reasonably well. Some threatenings there had been, but no storm; and suspicious as many felt in the matter of Montagu, all else showed fairly, at the least. On the evening of that day, however, a check and change came in. He whom Eliot calls "the Eolus" of the time had cast an "alteration in the aer," and the winds were suddenly let loose. Hastily and unexpectedly the gentlemen in attendance on the duke of Buckingham who formed his council, and the major part of whom belonged also to his majesty's privy council, were summoned, late that Thursday night, to meet the duke at his residence in York-house. He had come direct from the king at Hampton-court, and a proposition was to be submitted next morning to the house of commons. It was to ask, in the name of the king, for an additional supply!

All doubts as to Eliot's existing relations to the duke,

if any remained, are closed by the terms in which he describes this council. It was called together, he says, some time after midnight; and by reason of the suddenness and unseasonableness of the hour, the attendance was not only small, but confined chiefly to the class who were called "the duke's privadoes." Not only were few present, he adds, but they were such as had little judgment; the men ever ready to be attendant on the great being commonly those who are most "obnoxious"* to their humours, and who study not to counsel but to please. No objection was made that night, therefore, to the proposal of the duke. But on the following morning Eliot received startling proof of the effect it had produced upon the better class of Buckingham's counsellors.

VII. ELIOT'S FINAL INTERVIEW WITH BUCKINGHAM.

The morning of Friday the 8th of July brought an early and unexpected visitor to Eliot. This was no less a person than the chief of the king's privy councillors in the lower house, Sir Humphrey May. Dismayed by the previous night's council at York-house, and hopeless himself of making impression on the duke, he sought the good offices of that popular member of the commons who alone could exert upon the favourite the double influence of his present position and a former friendly intercourse. "To that gentleman," writes Eliot, referring to himself, "whom he thought might be powerful with the duke, and knew to be affectionate to the publicke, he came in great haste." He told him what the duke proposed, and already had directed to be done. He believed that a demand for additional supply, made in such circumstances, would be fatal; that both

* He means most dependant upon, or liable to, their humours; as where Milton speaks (*Samson Agonistes*) of being

— made thereby obnoxious more
To all the miseries of life, &c.

dishonour to the king and danger to the dukè, were involved in it; and he importuned Eliot to give his help to "staie or divert" it. Their meeting was at Westminster, very near the time of the sitting of the commons; and the duke was at York-house. Eliot objected that his interview, if he should undertake it, might be long; in so great a difficulty it was not likely to be short; and if the proposition were meanwhile made to the house, before he could finish the work, his labour would all be thrown away. "But, to remove this doubt, the chancellor undertook to stop the motion till he came. Onlie he wisht him to hasten his returne, and in his talk to intimat that staie unto the duke."

Eliot consented; and the next sentence of his narrative gives us a curious glimpse of the habits of the time. He is still speaking of himself. "Upon this he makes his passage, and address; and comming to York-house, findes the duke with his ladie yet in bed. But, notice being given of his comming, the dutchess rose and withdrew into her cabanett; and soe he was forthwith admitted and lett in."

Ourselves admitted also to this strange interview, the curtain of the past is uplifted for us at a critical time. Whatever else it might involve, the scene was at the least to determine finally the future position of its actors to each other. Certain causes tending lately to estrange them have been seen; but as yet even Eliot has only partial knowledge of the extent of the influence adverse to himself, which has been altering and alienating his old patron and friend. It was no sufficient solution of the change that he had himself now taken up his position with the country party in parliament. Very recently Buckingham had found his own interest lie that way; and Eliot might fairly believe, that, upon the common ground of what was safest for the king and kingdom, agreement and coöperation were possible to them still. Nor, judging the present moment of time by what we now know to

have followed it, will it be too much to say, that if Eliot could here have prevailed with Buckingham, and if the result had been that better understanding between the parliament and the court which he desired to establish, the course of English history might have changed. To Charles's quarrel with his first parliaments Clarendon ascribes all the troubles of his reign; and now the good or the ill understanding publickly is to date from this day. What privately is to flow from its two hours' conference, not alone to the men sitting in that bedchamber of York-house, but to the royal master they would both have served, will not have exhausted itself for many years. It will not have closed when Buckingham's wretched death has come. When Eliot sinks beneath the king's unrelenting persecution of his favourite's fiercest assailant, it will be working still. Nor until that harsh persecution of Eliot is remembered and put forth, in later years, to justify the harshness dealt out to an imprisoned king, will the cycle of wrong and retribution be complete that this day begins.

The first argument used by Eliot had reference to the king; respect to whose safety, he urged, as well as consideration for his honour, should dissuade the duke from the course proposed. He pointed out the position in which the sovereign had been placed by the message accepting the bill now passed for the two subsidies, and professing satisfaction therewith; a message which the duke's present proposition must necessarily impeach, either in truth or wisdom. In reply, the duke disputed this construction of the message; declaring that the acceptance so made of the two subsidies granted, was but an acknowledgment of the affection thereby shown to the king, and not any admission of its adequacy.

Eliot then with additional reasons reasserted his own view, and begged the duke to recollect that the bulk of the members who listened to the message were now, upon the very confidence inspired by the language em-

ployed in it, absent from their places in the house. He dwelt upon the small number, not a fourth, that remained; and said that if any demand to vote additional subsidies should be forced upon that fragment remaining, it would be regarded by the members who were gone as an advantage taken of their absence, in the nature of an ambuscade or surprise. At no time, Eliot added emphatically, could such a step be esteemed honourable dealing with subjects, and far less at the commencement of a new reign, "in the very entrance of the sovereignty." The rule then safest to observe rested on higher authority than his. *Ut initia proveniant fama in ceteris est.* To all which, including the hint from Tacitus, Buckingham listened gravely; but contented himself with the dry comment that "the absence of the commons was their own fault and error; and their neglect must not prejudice the state."

Better so, rejoined Eliot, than prejudice the personal honour of the king. Take away that, and "noe prince was great, hardly anie fortunat. And on these grounds a larger superstructure was impos'd, as occasionallie the conference did require. For his own," the duke's, "fastie," he continues, "manie things were said; some more fitt for use than for memorie and report. The generall disopinion was objected which it would surelie worke to him, not to have oppos'd it whose power was knowne to all men. Naie, that the command comming by himself, would render it as his act; of which imputation what the consequence might be, only a higher power could judge, men that are much in favour being obnoxious to much envie." Though Eliot cares not to remember or report all he said, what he does report will show how pregnant was his warning. The answer returned though weak, he adds, was yet such as implied no yielding. In the duke's opinion the personal honour of the king stood, not on the construction of any particular message, but wholly on the

expectation of the fleet then busily preparing. He would not say for what service it was bound. But the vice-admiral might account it certain that the service, all important as it was, could not be performed unless the ships were speedily set forth; that they could not be so set forth without more money; and that to the king's chief minister this was the matter wherein pre-eminently the honour of the king was so engaged, as to outweigh all considerations for himself.

One more argument remained, which Eliot had reserved to the last. It was an argument that probably he would fain not have used at all, but which happily elicited the reply that gives to his account of the conference its greatest value. It supplies the clue to Buckingham's character, and explains the failure of these early parliaments of the reign.

Plainly, then, Eliot told the duke that even though he were disposed, as indeed he was not, to admit any force in the replies that had been made to the considerations he had urged, he had yet to inform his grace that it would be better the scheme were laid aside, for *it would fail*. It would fail; and not merely in the sense of that immeasurable loss to the king which in such case must attend what the duke would call success, "by "alienation of the affections of the subjects, who being "pleas'd were a fountaine of supplie without which "those streames would soon drie up." Not even such ill-omened success, not even the show or surface thereof, would it obtain. Better than the duke he knew the temper of the house of commons. Though hardly sixty members were on the benches that morning, and of these the country members were the minority, he yet took upon himself to warn the duke that a proposal for another money vote that session could have no other possible fruit than causes of fresh disagreement between parliament and the king. Such a vote would not pass. Buckingham listened impatiently, let fall a hasty word,

and the whole truth flashed upon Eliot. Success was not so much desired, as reasonable ground for quarrel. "The proposition must proceed without consideration of success; wherein was lodg'd this project, *meerlie to be denied.*"

Further effort was hopeless; and yet, excited by discovery of that "secret," Eliot so pressed the favourite as to "draw on others that supported it of greater weight and moment." These he does not name, but it was plain that now no other course was open to him than to bid the duke farewell. Unexpectedly he had obtained guidance for himself through such danger and suspicion as yet might lie before him. From what had passed, that at least was clear; though, as he says, in the significant sentences which close his narrative of this extraordinary conference—

"—*For the present* it gave that gentleman" (himself) "some wonder with astonishment: who with the seal of privacie clos'd up those passages in silence, yet thereon grounded his observations *for the future,*" "THAT NOE RESPECT OF PERSONS MADE HIM DESERT HIS COUNTRY."

VIII. LAST TWO DAYS AT WESTMINSTER.

From York-house Eliot went with all dispatch to the house of commons. The labour he had given to the interview, "not mispent, had taken up much time. Two howers, at least, went into the treatie and discourse, which with the intercourse had soe wasted the fore-noone, as ther remayned but little at his comming back to Westminster; wher the like difficultie had been to retard the proposition for that time."

Sir Humphrey May's promise to keep back the duke's proposal, he had found it difficult to keep. For the message had been put "not as other messages from the king into the mouths of his councillors and great

" officers, whereof there are never wanting in the com-
mons' house too manie," but by the duke's special
choice, and as indication of further intended prefer-
ment, to a member not yet holding office, whose selec-
tion for that employment had so elated him that he
" labour'd as a woman does with child, in desire to
" bring it forth." Poor Sir Humphrey had had much
ado, before Eliot's appearance, to prevent a premature
delivery. But the very aspect of the member for New-
port, as he entered the house, sufficed to show that he
had failed; and the duke's selected instrument arose.

" The man so chosen," says Eliot, " was Sir John
" Cooke, raised from a low condition to that title by the
" duke. To him he had beene recommended by that
"ould courtier Sir Foulke Grevill; under whom he had
" had his education as a scholler, and soe was his service
" and imploiment. But his conversation being with
" books, and that to teach not studie them, men and
" business were subjects which he knewe not; and his
" expressions were more proper for a schoole than for a
" state and councill."

The speech in which he introduced the duke's pro-
posal as from the king, may be briefly described. His
majesty thanked them, he said, for the earnest of their love
in the gift lately made; and had directed him, in ac-
knowledging the munificence, the royalty, of that gift
of three subsidies and fifteenths which the last parliament
had voted, to give some general account of the expen-
diture. In Ireland, there had lately been disbursed thirty
two thousand pounds; for the navy, up to that date, thirty-
seven; for the ordnance and forts, forty-seven; for the regi-
ments in the Low Countries, ninety-nine; and for Mans-
feldt's levies, sixty-two. It had been complained that there
was no expresse declaration of war, but every one knew their
enemy. Even then Cooke refrained from naming Austria
and Spain; but he added that the powers which now ruled
the continent were known to all, as well their designs gene-

rally upon the German states as their ultimate designs upon England, which, if not timely checked, would leave to them only the favor Ulysses obtained from Polyphemus, to be the last devoured. He named, without detailing their terms, the treaties with the kings of France and Denmark, with the state of Venice, with the duke of Savoy, and with the Low Countries. He handled warily the one exploit of the war, the sole achievement they had to show for their expenditure hitherto. He could not but admit, what a worthy gentleman had related to them, the disasters of the Mansfeldt enterprize. The faults in those troops at Dover could not be excused, men having been chosen such as would be kept under no government. But the objection was not a just one that had condemned the selection of a foreigner to lead those troops. It was to be considered that the whole army comprised French and Dutch, as well as English; that if an Englishman had commanded it, the French would have been discontented, and so the English if a Frenchman; that more generals than one would have raised difficulties of precedence; and that on these grounds, the man most indifferent might be fairly held the most fit, as being least likely to suggest objection. It had seemed right to the worthy gentleman already referred to, to take a further objection from the event; but as to that, let them likewise consider that it was not man's to ordain success, and that he was no equal judge who so measured what passed in this world. Nor, though there had been impeachment of some good effects expected, and Breda had not been saved, had the design been altogether unprofitable; keeping divers princes of Germany, as it had done, from declaring themselves for the enemy. Such, then, was the account he had to render for the vote of the three subsidies and fifteenths. But his majesty had further commanded him to give account of what must necessarily be spent upon the preparations then in hand. The house had voted something short of two hundred thousand

pounds. But the charge of the fleet then preparing would much exceed that sum. In the navy office alone it would be two hundred thousand, besides forty-eight thousand in the ordnance, and forty-five for the landsmen. Nor was this all. Monthly subsidies of twenty thousand each were promised to Mansfeldt and the king of Denmark, and an additional sum was to be paid to the latter prince to draw him into Germany. To all this his majesty's ordinary revenues were unequal. These being exhausted, and the crown lands overcharged with other expenses both of necessity and honour, the king's engagements could not be supported without more help by parliament *or else some new way*. His majesty was in debt. The lord-admiral had engaged his estate. Other ministers had helped in their degrees. Should it be said that these men were left to be undone for their readiness to the public service? Would they proclaim their own poverty by losing all that had been bestowed upon the enterprize because they could not go through with it? What were they to say to the honour of the king? But that was not all. Even his majesty's establishment on his throne, the peace of Christendom, the state of religion, depended on that fleet. Their adversaries (still he avoided employment of the word *enemy*) had indulged in very insolent speeches ever since the taking of Breda. The French inclined to civil war. The people brandled* in Italy, and fainted, as their forefathers were wont to do, after the heat of the first enterprize. Germany only was to be counted on. The catholic league had been prevented from assembling to the ruin of the protestants by their German allies alone. To reunite the princes, to encourage the French, to support the States, to oppose the catholic league, what had they but the reputation of Mansfeldt's army, and the expectation of the fleet then

* From the French word *brandiller*. It is used in the sense of wavering or shaking. Jeremy Taylor so uses it, but it is of rare occurrence after the reign of James.

preparing? Was it to be said, that, forsaken of his subjects, the king had been enforced to abandon religion, and to seek a dishonourable peace? It was Sir John Cooke's conclusion, upon all these considerations, that money alone could save them; and he would therefore move that they should presently make an addition of supply.

"Thus spake that worthie," says Eliot, proceeding to explain how it happened that he spoke to no purpose whatever. He found only one hearty seconder. This was "a council-clerk and servant of that time" who represented Dover, Sir William Becher, a creature of the lord-admiral's, possessing neither reason nor authority; and such was the effect of a prompt reply "by a worthie" gentleman of Lincolnshire, Sir Thomas Grantham, who "was never wanting to the service of his countrie," that the motion "forthwith died and perished, though from "the dust thereof more troubles did spring up."

Why it should have died without debate, was of course in a measure also attributable to what Eliot relates of the disaffection of the section of courtiers headed by Sir Humphrey May. Their fears had not been lessened by the tone of Cooke's speech; and though Eliot more than hints that their disfavour had arisen from the fact that "it came not in particular by them, and they were not "preconsulted for the worke," he is yet careful to state that "the immense calculations and accounts, the far-fetched and impertinent relations, the artificial positions "and conclusions," of Buckingham's selected spokesman, received no sanction or adhesion from them. Neither did they make any attempt, he adds, to resist the disapproval strongly excited among the country members by what Cooke had put as a possible case, that the house might forsake the king and that the king might abandon religion. "This," he remarks, "was deem'd both "scandalous and offensive; as was that mention of *new waies*, which the more was noted because it had happened once before, and therefore was not thought to be

"accidentall or by chance." What the issue might have been, however, even as regarded May and his friends, if the motion had been pressed to a division, Eliot avoids discussing. He contents himself with saying: "There was noe deniall, nor noe question: it being never brought soe farr. Which had almost a miracle within it; for there were hardlie then threescore in the house, and, of those, counciemen not the most. And support or agitation it had had, must have needs driven it to a concession, or the contrarie; but through the wisdom of the time, exceptions were declin'd, and it vanish'd through its own lightness or futilitie." Even so. But not therefore were its consequences less disastrous. It was the present avoidance of an open conflict that gave the duke his future opportunity.

As a thing of course, after this incident, all fresh business was abandoned. Early on the following day, Saturday the 9th of July, upon the motion of Mr. William Strode, member for Plympton, the commons joined the lords in an address to which the king replied, that observing their representations of the plague and the absence of members, the thinness of the house and the danger of the time, which had indisposed them to further business, he acceded thereto. "His necessities were great, yet the consideration of their safety should dispose him to dismiss them for that time, though they must shortly meet againe. That *shortlie* was not then rightlie understood." Much lay in the word which no man understood who heard it at the time, though he had not to wait long in uncertainty. "Noe man," says Eliot, "did doubt that which the word intended. Most men did refer it to the winter or the spring, the conventions of that council being seldom neerer, or more frequent. But an effect it was of the powerfull influence of the D, which not long after was more perspicuous and apparent." In other words, the duke had resolved to punish the house of commons for their late disaffection

to himself, and the rod which was to make them smart for it was preparing. On this very day, "being but the "daie before," he overbore Williams at the council, and carried what he had determined. So ended all hope of any future right understanding. The miserable strife set in that was to last to the close of the reign.

Eliot stops, at this point, to dwell upon the temper now shewn by Buckingham; to describe the effect produced by rejection of his propofal, on his intercourse with even his dependants; and to deplore the misery which awaited England from that wanton and unbridled will. It was doubtless the turning point of the destiny of Charles the First, for if the young king had started with a disposition to treat the commons fairly, he would have kept at his side the most powerful and most loyal of his subjects, who were then the trusted leaders of that house. As it was, he sacrificed everything to the man of whom Eliot proceeds to speak in these weighty and pregnant words.

"That unexpected issue to the duke caus'd likewise a
 "new trouble and disorder. All his privados were con-
 "demn'd, as remiss and negligent in the service. His
 "friends were all complain'd of, thus to have fail'd his
 "hopes. Everie man was blam'd, but him that was most
 "faultie. What he intended in his corrupt reason, or
 "affection, to *that* he would have had even the Heavens
 "themselves consenting. Soe unhappie are such persons,
 "through the distractions of their greatnes, that succeffe
 "they thinke must follow the Via Lactea of their fancies,
 "and that the rule of that, naie of the world itself,
 "should be ever by the proportion of their wills; and
 "rather than fail therin, if the superiors be not flexible
 "the infernal powers shal be studied, with their arts.
 "That was the infelicitie of this man; and at this time
 "it first open'd and discover'd, though not cleerlie but
 "by shadows. Being disorder'd in his purpose, which
 "almost noe man yet did know, he condemns both his
 "fortune and his friends. But for himself, nothing was

“less resolv’d on than that which was most necessarie.
 “*Noe retraction of the course!* That which had beene,
 “because it was done by him, must be both justified and
 “maintain’d. And that justification must appeare in the
 “approbation of the worke, by a future prosecution that
 “was worfe.” This evil consequence followed quickly.

Monday, July 11, being appointed for adjournment, the rest of Saturday was given to the completion of a bill of continuance. It was still at that time doubtful if a session were not necessarily determined by the fact of bills receiving the royal assent; and the object of the short act now framed was to provide that such assent should not so operate (“as was supposed by some” interposes Eliot, “though presidents spake the contrarie”); * but that the session should continue by adjournment, “and all things stand in the condition that they left them, “soe to be resum’d againe at the next time of meeting.” This done; and, in the opportunity afforded by the brief interval remaining, other matters also disposed of; † the morning of Monday arrived.

Hardly had prayers been said when the lords intima-

* Simonds D’Ewes differs from Eliot on this point. Mentioning the fact of so many bills having passed, he adds: “And therefore it was doubtless a “prorogation of the parliament, and not an adjournment; although some “of the members of the lower house themselves styled it, as did also the letter “I received from London, by the latter appellation.” *Autobiography*, i. 275.

† Eliot thus refers to them: “This done, and the act of confirmation “being past for three subsidies then granted by the clergie, ther being a “little time remayning it was spent upon a petition from the prisoners in the “Fleet. They had been suitors to the lords, in respect of the great danger “of the sicknesse, to have libertie by order from the parliament, by habeas “corpus, to goe abroad. The lords imparted the motion to the commons. “The commons, thereupon, taking consideration at this leasure, upon these “reasons thus resolved it to be repugnant to the lawe. First, that it “was against the intention of the writt, wh^{ch}, commanding the keeper “to bring his prisoner to a judge, implies the neereft waie he has, not, as “the abuse went, to let him travell wher he list, to hunte and hawke the “whole vacation in his countrie, and at terme againe to resort unto his “prison. Then, that it was legallie an escape, and soe the creditors “should be prejudiced; for w^{ch} ther were divers judgments cited, “and some cases demonstrative in the pointe; as 5 H. 6, when, in considera- “tion of the State, ther being speciall service at that time for some “minister then imprisoned, and the like libertie was desir’d, the judges,

ted to the commons their receipt from the king of a commission for the double purpose of adjournment of the parliament, and of royal assent to certain bills which had passed the houses. Comparatively few as the members attending were, at the time when this message was delivered from the lords, it raised a hot debate on privilege. Our knowledge of the fact we derive solely from Eliot, and it is very characteristic of the temper of the commons at the time.

The subsidy bill was the principal one waiting assent; and it was pointed out that this bill had never been returned from the lords, whereas the rule was that all such bills having passed the lords should be returned again as the peculiar property of the commons, with whom it rested, upon their attendance either for dissolution or adjournment, to present them by their Speaker as their free act. This was not disputed; but it was pointed out that the subsidy bill had been appended with the rest to a commission properly belonging to the lords, and that therefore it could not be detached. A compromise was thereupon suggested, and the Speaker was required to give assurance that "in an expression at the "place" he would be careful to save the right of the commons.

As to the adjournment, however, no compromise was possible. "This," says Eliot, "having alwaies been "their owne sole act and worke, in admitting it by com- "mission from the king it was then thought an innova- "tion of the right, which might induce a president

" upon consultation, did denie it. And before that, it was noted, that all " kinde of ease or remove from one prison to another was wholie refused, " wthout consent and liking of the creditors. For this, therefore, it being " so contrarie to the lawe, and in favor of abuse, however pittie did move " in contemplation of the men, yet their dangers being not equall to the " danger of the kingdome w^{ch} would followe the exinanition of the laws, " it was thought fit not in that particular to admitt it, or that admission, at " the least, not to be made by parliament. W^{ch} opinion being signified to " the lords, they in like manner did resolve it, and soe all instance ceas't. " This was the ninth of Julie, being Saturdaie."

“against them; and soe retrench their libertie for the future. And for this purpose the difference was observ’d between adjournment and prorogation, as prorogation and dissolution have their odds. That the two latter in their kindes were in the prerogative of the king; the adjournment, in the priviledg onlie of the house. Therefor a message in that case was dispatched for accomodation with the lords; who thereupon agreed to read onlie in their presence the commission for assent, and in the other to leave them wholie to themselves.”

The dispute of privilege thus arranged, the Speaker and such of the commons as remained prepared to depart to the upper house; and the feeling which possessed them that day, differing so widely from the hope and eagerness of the day of their assembling, is remarked by Eliot. Of satisfaction we had not much, he says, and of promise far less. “In the matter of religion, though ther were a faire answer in the generall, yet Montagu was protected, and to that end made chaplain to the king. In other things, the answer to the grievances was but slight, and such as imported small fruit and benefit to the subject. The bill of tonnage and poundage was respited, and yet those levies made; which was held an indication of more love to the waies of power than of right. The lawes that had approbation were not manie, and the choice of them not great. That against recusants was not past; and, in all, their number was but seven: whereof the subsidies of the laitie and clergie made up two, soe as the rest imported little to publick happiness.” He proceeds to name each in succession,* and his character of them justifies his statement.

* In the following terms:

“1. An act for punishing of divers abuses committed on the Lord’s Daie.

“2. An act to enable the K. to make leases in the Dutchie of Cornwall.

“3. An act for ease in obtaining liveries of alienation.

“ That for Religion, for foe it was pretended, onlie
“ did provide against bullbaitings, enterludes, and the
“ like unlawful pastimes on the Sundaie ; and therin
“ alsoe with a mixture of civill considerations and respects.
“ That for the Dutchie, had aspect but to the profit of
“ the king, though with some shadow and pretence of
“ advantage to the tenants. That for Alienations onlie
“ lookt at some small decrease of fees, and had reference
“ but to few, and rarlie of use to them. That for
“ restraint of Alehouses, was in effect but what had been
“ before, for the repressing of tiplings and disorders ;
“ which both before and then were more decried than
“ punished, as reformation is less easie than complaint.
“ The rest need no comment to explaine them ; sense
“ without reason making demonstration of the Subsidies ;
“ and for the Other, if it had wanted midwives much
“ trouble had been sav’d which afterwards did followe
“ that prodigious birth at Oxford.” Better for us there
had been no act of continuance, he means ; better to have
been dissolved at once. The prodigy ripening for birth
at Oxford, was the proposed reassembling in that city
after a few days ; on which Buckingham had resolved, and
of which with amazement they were now to hear.

Rumour of it seems suddenly to have reached them
before the messenger called them to the lords ; and there
are indications of a hurried debate, but of no want of
accurate perception of the drift of Buckingham. That
he was bent upon preventing any continuance of the
united action of the commons, and failing this had re-
solved to get rid of them, was perhaps discernible with
no great difficulty, apart from the special knowledge
Eliot possessed. By the pretence of reassembling them,
they were to be scattered apart more widely ; and if that

“ 4. An act for restraint of alehouses and victualling houses.

“ 5. An act for confirmation of the subsidies granted by the clergie.

“ 6. An act for two entire subsidies granted by the temporaltie.

“ 7. An act that the session should not then determine by the roiall
“ assent to other acts.”

plot for a diminished attendance should fail, or a compact opposition still present itself, the cause of quarrel lately found yet furnished plausible pretext for a dissolution. But, be it so, we must meet at all hazards, was the tone at once taken equally by Sir Edward Coke and Sir John Eliot; the latter at the time knowing well, as he enables us now to know, what Buckingham desired and was prepared for. Some on the other hand would have asked, even yet, whether there might not be a winding up of the session and a prorogation to Christmas. Too late, cried Eliot; adding with characteristic spirit, that he should himself, before they separated, move for a full attendance at their coming together again. "Move it when 'we return from the lords," said the member for Surrey, Sir George Moore; and the words were scarcely uttered when the usher appeared.

The lord keeper was chief commissioner, and had to announce to the commons what he had himself most strongly, for purposes of his own, resisted at the council.* But Mr. Speaker first did the part assigned to him. Laying his hand upon the bill of subsidy, "as it was 'hanging with the others to the commission that must 'passe them," he made as if to take it to himself; and then, claiming it in the name of the commons, returned it formally as their presentation and free gift to the king. Whereto, in the sovereign's name, Williams briefly answered.

* He appears to have been supported in this resistance by Sir Humphrey May and some others, but they were powerless against the duke. In a later part of his narrative Eliot tells us that during the excitements of the Oxford sitting all this became known. "Upon privat disgusts amongst the courtiers, *'the secret was let out of the consultation thereupon*, and how the keeper with 'some others, when the proposition for the adjournment to Oxford was first 'made, being but the daie before it was, had wth much violence oppos'd it 'to the king, wth reasons both of honor and profit to persuade him, and 'yet were therein master'd by the duke, who, like a torrent at resistance, did 'forthwth swell against them, and threatned wth his weight their ruine for 'that service." What Eliot adds of the subsequent contention between the lord-keeper and the lord admiral, and the manner in which the unseemly difference was used for advantage of partizans on either side, will be seen hereafter.

The king thanked them, he said; and he had it in charge to inform them that he intended his answer to the petition for religion to be real and not verbal. Very shortly after their reassembling they should have a particular satisfaction in that point, and in the mean time he would command a strict execution of the laws. The bills described by Eliot received then successively the royal assent; and Williams declared the king's pleasure to be that the houses should adjourn, and reassemble at Oxford on Monday the first of August.

The commons returned to their house, says Eliot, troubled and wondering; though he does not say that he partook himself of the amazement and dismay. The reason for which suspension of their sittings had been promised, was the spreading of the plague; and now, while that danger hourly increased, their sittings were to be resumed in a fortnight. So greatly had the terrible disorder been increasing, that fears had come to prevail of its breaking out wherever a crowd might assemble. "All persons now," says Eliot, "were suspected, and in jealousy; men, if they could, even flying from themselves. The houses, streets, and waies, naie, even the fields and hedges, almost in all places neere London and about it (besides the miserable calamities of the citie), presenting dailie new spectacles of mortalitie." Most special reasons were there also why Oxford should not have been chosen, for already the disease had actually shown itself there.* "It was entred," Eliot tells us, "into some few houses of the towne, and some of the colleges were infected. Most of the schollers were retir'd; and that was an aggravation to the danger, which being apprehended to the full became an aggravation of the fear." This could not fail to be known, he says, though ignorance of it was afterwards pretended.

* Williams, than whom none is more likely to have known the truth, expressly told Buckingham that two colleges in the university and eight houses in the city had already been visited by the plague. *Scrinia Rejerata*, ii. 14.

He adds that apart from all this, and supposing fear to have been felt unnecessarily, the short interval allowed for recess involved in itself so much manifest inconvenience and annoyance that its purpose could not be mistaken. "Some," he remarks, "had but opportunitie, whose habitations were remote, to make onlie a visit to their families, and at first sight to leave them. Hardlie anie one had leasure for their fit accomodation and provisions, but suffer'd some inconvenience or defect. Their travell on the waies, their danger in the inns, and the little fastie could be promis'd at the period, tooke off all pleasure from the journey; while the occasion that did move it was more distastfull than the rest."

Nevertheless, no opposition was made when, immediately after reaching their own house, Eliot rose and moved "that within three days after our next meeting the house shall then be called, and censure to pass upon all such as shall then be absent." Sir John Cooke only ventured upon the remark that his majesty could have no alternative but to call parliament together speedily again, for support of the war in which they had engaged him, and which could not be given without money or credit. The subject was not pursued. It was well known, Eliot intimates, who the person really responsible was; and that what they accepted for "a justice in the king," they could not but account "an injurie in his servants. But obedience was resolv'd on; and through all the difficulties of the time, the king's pleasure was prefer'd." What he adds of the adjournment is a curious illustration of the difference between the houses, and the greater jealousy of the commons, in regard to such matters. "The lords, upon the departure of the commons from their house, read ther the commission for adjournment, so much they differ from the others in order; who, having likewise the writt brought down to them, refus'd to read or open it; but, as their owne

“act, not varying in the circumstance, pronounc’t it by
“their Speaker that the house adjourn’d itself; and soe
“dissolv’d that meeting.”

A sorrowful close to what had opened with so much promise. The report of it flew presently, Eliot tells us, to all parts, and affected men everywhere with wonder at the strangeness. For “London then was the constant seat
“of parliaments, which noe wher els had beene for divers
“ages past : that in the vulgar sense they were incorpo-
“rat to that place.” The place substituted, too, had in itself an evil omen. “It was noted,” Eliot continues,
“as something ominous and portentous, for the success
“it gave to the like meetings in foretimes. It rais’d a
“contemplation of the miseries which follow’d that unfor-
“tunate convention in the daies of Henry the Sixth, with
“the reasons and intentions that had mov’d it; and
“from the resemblance of the causes was deduc’d a like
“supposition for the effects. Which gave a fear to all
“men, who in their hearts deplor’d the unhappiness of
“those princes that expose themselves to the corruption
“of their ministers.”

So clearly Eliot foresaw what he did not live to witness. Hardly more than twenty days had passed since these representatives of the English people were hastening eagerly to London to be the first to offer loyalty and service to their young sovereign, and now they were leaving London with forebodings drawn from the darkest days of their history. The short interval had sufficed to determine the character of the new reign. When the commons met again it would be to answer the challenge Buckingham had flung down to them, and to begin the momentous task of determining which was indeed the strongest power in the state. The wisest of the Plantagenets, the strongest and boldest of the Tudors, had never raised that issue; and even Charles’s father, while straining the prerogative as they would never have attempted, had been shrewd enough always to shuffle

back before the step that would finally have committed him. If there was yet a hope to avert the struggle, in the interest of the sovereign himself, it could be only by assailing, and if possible overthrowing, the influence of Buckingham. The suddenness with which that minister became the object of a combined attack, led by men with whom very recently he had been in familiar or official intercourse, is thus accounted for. History heretofore has explained it imperfectly, but the revelations made by Eliot leave it no longer doubtful. Himself still an officer of the state, he had to decide upon the instant whether nominal service heretofore paid to Buckingham should avail to intercept or weaken a higher allegiance due to the public service and the king; and his very first official act, on returning to the west the day after parliament adjourned, will show us that already his decision had been irrevocably taken.

He was thenceforward to work out practically, in what remained to him of life, the thought that had risen to him in his memorable last interview with the minister. "With the seal of privacie he clos'd up those passages in silence, yet thereon grounded his observation for the future—*that no respect of persons made him desert his countrie.*" Yet the respect of persons was even now so far to influence him, carrying with it memories and influences of youth, that it was not his voice which raised itself first against the man whom in the interests of his country he could no longer hesitate to oppose.

BOOK SIXTH.

FIRST PARLIAMENT OF CHARLES THE FIRST :
AT OXFORD.

1625 (JULY AND AUGUST). ÆT. 35.

- I. Recess : Eliot in the West.*
- II. Reassembling : First and Second Days.*
- III. In Christchurch Hall ; and the Morning after.*
- IV. A Memorable Debate.*
- V. Choosing Parts ; and assisting at a Play.*
- VI. The Serious After-piece.*
- VII. Last Scene but One.*
- VIII. Catastrophe and Falling of the Curtain.*

I. RECESS : ELIOT IN THE WEST.



ELIOT quitted London on the day of the adjournment, travelling to the West. Exciting news reached him as he passed along. Turkish pirates had appeared in large numbers off the coast, and done mischief to an unusual and extraordinary amount. They had seized numbers of ships, rifled their cargoes, and carried the crews off captive. Such had been the terror inspired, that hardly a vessel since dared venture from the western harbours. Nay, even the latter were not safe. In some parts the enemy had entered and shown himself in the very mouths of the close havens ; and all the open roads he used as confidently as if they had been his own. No

resistance had been offered, or was possible. From under forts and castles, left helpless and unguarded, the Turks had taken English ships.* The whole of the western sea was at their mercy; and they had also carried off their prizes from the shore, having landed in various parts of Cornwall. Not a fisherman could stir along that coast but for prey and purchase at the pleasure of his plunderers; and whether rich or poor suffered most, no man could say. Besides the actual loss in ships to the merchants, trade had been completely interrupted; and this threw a damp over everything, "commodities "being not vendible where the transportation is denied."

Such is the account given by Eliot of the complaints that reached him as he journeyed home. He estimates the number of Christians captured during the outrages at not less than twelve hundred. "This man bewayl'd "his sonne; that, his father; another, his brother; a "fourth, his servant; and the like. Husbands and "wives, with all relations els of nature and civilitie, did "complaine." That such distress, increasing in its cries with every fresh alarm, should at last take the form of a panic, was not surprising; and while Eliot admits that the feeling he witnessed ("even the chief towns "and strengths not privileged or excepted") showed some exaggeration, and that "the people, as their man- "ner is, fain'd or enlarg'd the cause after the apprehen- "sion of their fancies," he proceeds in the strongest manner to state that the danger and the loss had been unprecedented ("noe former times having been ex- "ampled with the like"), and that there were attendant circumstances well accounting for the indignation that

* All this was in addition, be it remembered, to the ordinary dangers of the coast from which captains and owners were constantly suffering, at a time when, though all seaport towns were heavily taxed for their preservation, no pains were taken to preserve them, and even the provision of light-houses at dangerous points of the coast was made matter of jobbing and monopoly.

accompanied the fear, and more than justifying the impatience displayed against the "ministers of state."

To those ministers prompt and incessant intelligence had been sent of the "raids and ravages" of the Turks. Sir Walter Erle, immediately before the adjournment, had publicly warned the privy councillors of their approach. Special prayers for relief had since, day by day, been addressed to them. Nor would relief have been difficult. After referring to the preparations in hand for the great fleet, whose destination the commons had vainly endeavoured to ascertain, but in which there was no doubt that all the hopes most cherished by Buckingham and the king now centred, Eliot makes this remarkable statement.

"Divers ships were then readie of the fleet, w^{ch} might have been commanded to that service. They lay idle in their harbours, in the Thames, at Portsmouth, and elsewhere; all their men and provisions being aboard. They were to attend the preparation of their fellows, for w^{ch} generallie was appointed the rendezvous at Plymouth; soe as this imploiment would have drawne them to that place. Their countenance in the passage would have dispel'd those pirates. Noe charge had beene occasion'd to the king: noe waft of the provisions, nor unreadiness in the ships, nor disorder to the service: but rather an advantage given in all. Yet nothing could be gotten, nor ship might be remov'd. The trade and marchants were neglected. The coast was left unguarded. The countrie stood expos'd. As if, in expiation of some sinne, it had been made a sacrifice to those monsters."

This was the condition of affairs when Eliot reached Plymouth; and hardly had he done so, when, from some of the principal western traders, he received, in his character of vice-admiral, an urgent entreaty for help to protect their defenceless shores and sea, such as already he knew had been sent without effect elsewhere. In

ordinary circumstances his course would then have been to crave instructions from the lord-admiral or from the admiralty commissioners. Now, he applied to neither. Manifestly he had closed his intercourse with Buckingham; and he tells us, in a curious passage of his memoir, why in such circumstances it would have been idle to make appeal to the commissioners.

They had become mere instruments in the lord-admiral's hands. Designed originally to check his misdoings, they had degenerated into a cloak and cover for them. Eliot sketches their decline and fall; and we find it to be an old story, abundantly exemplified since, and very familiar to us. "Those commissioners were the men, that had the great business of that time. The whole strength and preparation being navall, they were the masters of it. Either for that particular then in hand, or anie other service and designe for the honor or fastie of the kingdom, w^{ch} consisted in those arks, theyr judgments and discreations must dispose it. They were first instituted, in the creation of their office, under the admiraltie of the E. of Nottingham; for a check and superintendance to the admirall, that the whole kingdom should stand not too much entrusted to one man. But after, through the conversion of the times, they became onlie subservient to the admirall: his instruments to negotiat his ends; and his objects against envie. *Inani nomine*, as those ministers in Tacitus, *alienæ culpæ prehendebantur*. They had a great power in name, but little libertie to use it. Onlie they were an apt disguise and shadowe, and a common ffather for all faults. I observe this the sooner, to shew the varietie of efforts w^{ch} may be emergent from one cause; and how from the same roote and principle, both good and ill derive themselves. This office, in the institution, was wth reason for the common good and benefitt; to rectifie the actions of the admirall (though laterallie it might have some obliquitie); but

“ the execution of it after was ſoe preſtigious and corrupt, as nothing more dangerous and obnoxious. The admirall had wth them a free command and libertie. Whatever he but intimated, they did ; and if complaints ſucceeded it, the error was their owne.”

Hopeleſs of a hearing in this quarter, with characteristic deciſion Eliot made direct appeal to the king ; and the courſe and iſſue of the application ſhow ſtrikingly, apart from the illuſtration they afford of the now opening antagoniſm of Eliot and the duke, the manner in which public affairs were at preſent adminiſtered, and the impoſſibility of any man obtaining, ſo long as Buckingham and his paraſites ruled, any ſhare of that ſettled protection for property as well as perſon without which all government is impoſture. It will be beſt given in Eliot's exact words.

Deſcribing himſelf, in connection with the application made to him, as “ a gentleman of thoſe parts to whom “ it had relation by his office, being vice-admirall of “ Devonſhire,” he relates what it was that had cauſed the ſo ſudden application. “ That there were fourtie “ ſaile of Turks beſides thoſe w^{ch} formerlie kepte that “ coaſt, then in one fleet come wthin the channell : and “ this warranted by the depoſition of the maſter, and “ ſome others, of a ſmall barke that had paſt them in “ the night. The vice-admirall reſolved to repreſent itt “ to the king. The king reſenting trulie the danger of “ his ſubjects, preſently recommends it to his counsell, “ commanding that gentleman to attend them. Who “ meeting, and having the conſiderations laid before “ them of the diſhonor to the king, the prejudice to the “ countrie, the neceſſitie and facilitie of releife, for w^{ch} “ ſome few good ſhips would ſerve ; and thoſe, being “ readie, importing noe charge unto the king, nor “ hindrance to their ſervice ; it was thereupon reſolv'd “ *that eight ſhips for that purpoſe ſhould be ſent*, w^{ch}, “ having done that worke, ſhould await the reſt at

“Plimouth. This being settled by an order of the board, was directed to the commissioners of the navie, certified by letters to the countrie; wh^{ch} thereupon conceav’d good hope and satisfaction, though the sequell did not answear itt.” The only point left doubtful in this narrative is its mention of Eliot’s having attended before the council. He may have done so on his return to resume attendance in parliament; but for the present certainly he remained in the west.

Buckingham and his ever-ready instrument Sir John Cooke now enter again upon the scene. Of all the existing commissioners of the navy, Cooke was the most busy and influential. “The rest were but cyphers to him.” To him the order of council was referred, and by him it was coolly laid aside. It was never again heard of, until Cooke was questioned respecting it in the second parliament.* It had sufficed that Eliot was the intended instrument of the proposed grace of the king. “The direction of his maj^{ty}, the resolution of the lordes, the expectation of the countrie,” all counted for nothing before the will of Buckingham and the unreasoning obedience of his servant. Very strange and fearful it was thought, says Eliot, that such could be; that any private grudge could intercept such a promised boon; and that the public good, and the safety of the kingdom, lay at these risks. “Enemies at home were more doubted upon this than those pirats and enemies abroad.”

But while thus the vice-admiral, discarding thought of himself, revolved sad thoughts of his country under a government of enemies at home, more startling illustration of their treachery was in course of enactment abroad. He appears to have been one of the first to become acquainted with, and from him the commons at Oxford were earliest to ascertain, the existence of a design to

* It will be hereafter seen, from a note preserved among Eliot’s papers, that Sir John Cooke was taxed for his conduct in the matter, during the parliament of 1626.

lend English ships of war to France for service against the protestants of Rochelle. The fact carried with it the heaviest charge yet brought against the king and the favourite, of withholding state-secrets from the council. That it was communicated primarily to Eliot as a popular speaker in the commons, is more than probable; but that his official position as vice-admiral had also in a degree induced the disclosure, would seem to be implied by the reserve and caution that marked his first allusions to it. In his memoir he restricts himself to saying that the facts became known to him at this time; but from other sources we know, now, who his informant was. Expressly he adds, however, that the consignment of the ships, "seven great marchant ships, and the Vantgard of "the king's," with all their apparel and munition, was so absolute and unreserved, that the cardinal might have used them not merely (as he did) against the port of Rochelle, but against the port of London. The leading facts may be stated briefly.

In the unequal yet powerful struggle which the huguenots were now maintaining, under the duke de Rohan and his brother the prince de Soubise, with the government of France under Richelieu, the free town of Rochelle had become their stronghold. Here, assisted by Spain, in revenge for French help of the Netherlands, Soubise had obtained such maritime successes, that Richelieu, comparatively powerless on the sea, bethought him of the clause in the marriage treaty* and claimed the eight English ships. Upon this, Buckingham and the king,

* See *ante*, p. 180. For notices of Rochelle, which give a lively impression of the strength and importance of the place, and of the aspect of its people, see Howell's *Letters*, 46 and 108. "I do not find them," he says, "so gentle and debonair to strangers, nor so hospitable as the rest of France; but I excuse them for it, in regard it is commonly so with all republic and "hanse towns, whereof this smells very rank." Those sturdy citizens made up the deficiency by nobler qualities, for more heroic endurance under unexampled suffering has never been displayed than that by which they vainly endeavoured to retain what was doubly endeared to them as the gift of the greatest of French kings.

concealing their purpose from every member of the council,* pressed seven first-rate merchantmen and sent them to sea under Captain Pennington, who had hoisted his flag in the Vanguard ship of war. Neither Pennington nor the other captains knew at first their destination, but the rumour went that they were to be employed against Italy and the Valtoline; and to the merchant owners, who were especially deceived and maltreated throughout, there was given an express assurance that the ships were to act against Genoa as the ally of Spain.

Pennington with the small fleet was still waiting in the Downs, when, on the 8th of May, about the time which had been first named for the meeting of the parliament, he and the other captains received peremptory instructions under Buckingham's own hand, to place themselves unrestrictedly at the service of the French ambassador.† He at once remonstrated against the possible consequences of such instructions; and ten days later Sir John Cooke wrote to him, by direction of Buckingham, to state in distinct terms that the ships were not to be engaged in the civil wars of the French.‡ Tranquillised by this assurance, they sailed; and though a little scandalised on arriving in Dieppe-roads, at a pretension still made by the French ambassador "to exercise power over the whole fleet in as ample manner as the lord-admiral of France,"§ it was not until the 15th of June, three days before the parliament met at Westminster, that Pennington discovered the deceit practised upon him, and that the preparations going on, in the very teeth of his instructions, were against Soubise and the Rochellois. On that day he wrote in urgent and piteous terms to the lord chamberlain, lord Pembroke, one of the great ministers known to have no friendly disposition

* See Whitelocke's *Memorials*, i. 3.

† (MS.) S. P. O. Buckingham to Pennington. 8th May, 1625.

‡ (MS.) S. P. O. Sir John Cooke to Pennington. 18th May, 1625.

§ (MS.) S. P. O. Pennington to Sir John Cooke. 27th May, 1625.

to Buckingham, imploring him to mediate with the king and save him.*

It was high time. Already had the men of the *Vanguard*, as well as of the other ships, on discovering their destination, refused to fight against their brother protestants. They signed a round robin, and placed it, where they knew it to be most sure to catch their commander's eye, between the leaves of his bible. The brave and pious sailor waited but a few days after receiving it, and then brought his ships back to the English coast. On the 29th of June he wrote, from the *Nefs*, to lord Pembroke, to announce his return; mentioning the fact that the admiral of France having continued to press his claims, his people of the *Vanguard* swore they would be hanged or thrown overboard before they would fight against Soubise. These expressions, derived from either Pembroke or Pennington himself, were repeated in a letter written by Cooke to Conway on the 11th of July, the day of the adjournment of the houses; † Conway having meanwhile, on the third and tenth of that month, written to inform Pennington (from Buckingham), that the command of the fleet was to be altogether the French king's, and (from the king) that, the disposal of the ships being left to his dear brother the most christian king, Pennington was, according to his majesty's express pleasure, to obey entirely the command of the admiral of France. Five days later, Buckingham, not content with these written directions, sent his secretary Nicholas in person to see the ships "absolutely" delivered. Under this peremptory pressure, and further deceived by a report busily spread about the court, and which we

* (MS.) S. P. O. Pennington to the lord marshal. 15th June, 1625. Seventeen hundred soldiers, he tells Pembroke, were to be put on board his ship.

† "Our seamen generally are most resolute protestants, and will rather be killed or thrown overboard than be forced to shed the blood of protestants." All the letters cited in the text are from the originals (MS.) in the state paper office.

shall find even repeated by a minister on the reassembling at Oxford, that there was to be peace between the king of France and the huguenots,* Pennington again failed for Dieppe-roads, whither he was followed by Nicholas in the Neptune, personally to witness the execution and performance of his majesty's "express pleasure."

Again the pretences used were proved to be without foundation, and again upon his arrival Pennington remonstrated. The facts, as I now recite them, are drawn from the papers of Nicholas deposited in the record office, only lately accessible; and it is remarkable with what closeness, even to the most minute and important dates, they confirm the charges alleged in the seventh and eighth articles† of Buckingham's impeachment, and dispose of every attempt made, either then or since, to screen the minister and the king.‡ Their public profes-

* There is also proof in the state paper office of his majesty having sent to his lord marshal an assurance, doubtless with the intention that it should be conveyed to Pennington, that "it is far from his wish that any of his ships should go against the protestants." Note by Edward Ingham indorsed by lord Pembroke, undated, but written in June 1625.

† See *State Trials*, ii. 1338-1350.

‡ Even apart from the proofs in the state paper office, Lingard has quoted a letter of Buckingham's written from Paris shortly before the opening of the parliament at Westminster, in which he states that "the peace with them of this religion depends upon the success of the fleet they (Richelieu) had from your majesty and the Low Countries." And yet more decisive is a passage from the secret instructions sent by Charles to Buckingham when the latter was at Paris in the middle of October, two months after parliament was dissolved at Oxford. "We conceive that the work which was required to be done by them (the ships) being the suppression of Soubise, is accomplished." Mr. Disraeli (*Commentaries*, i. 352-53) has attempted to explain that the "suppression of Soubise" here meant "the suppression of Soubise's maritime force," which was intended by means of an expedition against Genoa; but while his fancy is enchanted by this imaginary expedition, he overlooks altogether the solid fact that on the 16th of the preceding September the Vanguard and the other ships, no longer manned by English crews, had "accomplished" their object by opening fire against Rochelle and mowing down the huguenots "like grass." It would be hazardous to say of this too ingenious writer, that if he could have had access to the letters cited in my text, he must have seen that his theory was a hopeless one; for it is just as probable that he might have clung to it more fondly. But to plain readers and reasoners the facts are quite irresistible.

sions, put forth from time to time while the affair went on, that the ships would not be employed againſt the huguenots, were but a continuation of the ſcheme to get the fleet into a French harbour, of which the original falſe inſtructions to Pennington were the commencement; and the ſtatement made in the ſecond parliament by the duke, as well as in his ſubſequent manifeſto againſt the French, that Richelieu's intention was not known to himſelf and the king, and that they ſuppoſed Genoa ſtill to have been the deſtination, was but the natural and even neceſſary ſequel to a ſtatement by which he had already committed himſelf and miſſed the parliament at Oxford. The ſimple facts cannot be impeached.

Before Pennington found himſelf the ſecond time entrapped, he had written direct to Buckingham. It was too difficult a buſineſs, he ſaid, for him to wade through; and therefore, while yet in the Downs, he implored his grace to recall him, and ſend out ſome other more able for it. He would rather, he adds, put his life at the king's mercy at home than go forward in the buſineſs. On the ſame day, the 18th of July, he had written alſo to Conway that he muſt leave the ſhips and return, for that he rather deſired to ſuffer in perſon than to ſuffer diſhonour. The answer to both letters was a peremptory refusal of his prayer.* The duke marvelled that he, a captain, ſhould, upon the inſtant of his obedience required, aſk leave to withdraw! He was however to have no fear of the iſſue, for news of peace between the French king and his ſubjects was not far off. Upon this Pennington once more ſailed, followed by Nicholas; but he reached Dieppe-roads alone, for the merchant captains had refuſed to follow him.

The day after his arrival, ſending his boat to bring

* (MS.) S. P. O. Though Buckingham ſpeaks confidently in his reply of the proſpects of peace between the French king and the proteſtants, he is more than ever unyielding that D'Effiat, the French ambaffador, is upon every point to be conciliated *and obeyed*.

Nicholas on board, he writes to tell him why it was that he had come out alone, and that even this he had not been able to do without "great trouble from his crew." The 21st and 22nd of July were occupied with negotiations through the secretary and the French ambassador; the result being that poor Pennington, convinced that the huguenots and the French king were as far as ever from agreement, is again obliged flatly to refuse to deliver up the Vanguard. Come aboard to me, he writes to Nicholas on the 23rd, for my people are in a mighty mutiny, and swear they will carry me home by force! Again there is remonstrance, a renewed attempt at negotiation, and again complete failure. On the 25th Pennington finally writes to Nicholas that he can send him no other answer than that formerly given. He was willing to do anything he might with safety of his life; but for delivering of the ship without express warrant from the king, his company would not yield to it. He had read to them Nicholas's letter, and it put them in such a rage that they swore nothing should prevent their carrying away the ship for the Downs.* Nicholas did not at the moment think this serious. He could not, he says, bring himself to credit it. The intense religious feeling, the passionate protestant zeal, which now animated the common people of England, and never more strikingly shown than in this incident, he was as little able to understand as the king and the minister whom he served, and whose insensibility to it proved their ruin.

But the evening of the day undeceived him. He had then to write to Buckingham, after reporting the proceedings of the day before and that morning, that in the afternoon, while waiting on the French ambassador, there came news that the Vanguard was under sail. He did not believe it. Going to see, however, he found it

* (MS.) S. P. O. These various letters will be found under the dates respectively named.

true, which he would have sworn was a thing impossible. The ship had left the roads about four or five o'clock, and amid very tempestuous weather too! What was he to do? The French ambassador was deeply troubled, and for himself he prayed he might not again be trusted with an employment so much above his abilities.

The scene changes to the English coast, and again Pennington makes manful and touching appeal. This time he writes to the king himself. He relates what had passed in the roads at Dieppe from the time of his arrival to that of his company's weighing anchor and returning to the Downs. They did it without acquainting him; but he adds frankly that of himself he knew it and had connived at it, otherwise they should never have done it. He concludes by declaring that he would rather for the rest of his days live on bread and water than be an actor in that business.* He writes similarly to Conway. On this the old artifices were again employed. The lord chamberlain, Pembroke, was made to convey assurance to Pennington, and also to Sir Fernando Gorges and the other masters of the merchantmen, that peace was really to be made with the protestants, and that war would be declared against Spain and Milan; wherefore they all were peremptorily, and without reply, to obey the directions given them. At the same time Buckingham wrote to tell Nicholas that he was to wait in the roads, for that the ships *would* be delivered up; and by a letter of the same date he told Pennington that there was then on its way to him an express warrant from the king who was "extremely offended" with him, and whose orders, if he now desired to make his peace, he must not fail punctually to obey. Finally, the royal warrant followed, formally requiring Pennington to put his ship the *Vanguard*, and all the other seven ships, with their equipage, artillery and ammunition, into the service of

* (MS.) S. P. O. 27th July, 1625.

his dear brother the most christian king ; and, in case of backwardness or refusal on the part of the crews, commanding him and the others to use all means possible to compel obedience, *even unto the sinking of the ships*. "See you fail not," are the closing words of this decisive document, "as you will answer to the contrarie at the uttermost peril." *

Little more remains to be told. For the third time Pennington took his Vanguard into the French harbour ; and with him went this time, with a desperate reluctance, the seven merchant ships. One of the latter notwithstanding, commanded by Sir Fernando Gorges, who became thereafter a marked object for Bagg's treacherous hostility, broke through and returned upon learning that the promised assurance of peace with the protestants was false, and that the destination of the fleet was no other than Rochelle. On the other hand, Pennington, for himself and the rest, doggedly obeyed the letter of the king's warrant, and delivered up the ships and their stores, *without their crews*. Declaring for the last time that he would rather be hanged in England for disobedience than fight himself, or see his seamen fight, against their brother protestants of France, he quietly looked on while the crews of all the ships deserted;† left every ship, including his own, to be manned by Frenchmen ; and came back to set himself right with his countrymen.

His first intention was to submit in person to the two houses of parliament his protest and defence ; but

* (MS. at Port Eliot.) This, with the original instructions, and the protest subsequently made by Pennington, had been transmitted to Eliot at the time. According to Rushworth (i. 176), Pennington had actually to fire upon the merchant ships, to compel their compliance with the king's direction ; but there is no evidence in support of this statement, though it was certainly current at the time, and is mentioned in *Walter Yonge's Diary*, 85.

† One Englishman alone remained, a gunner ; afterwards shot in charging a cannon before Rochelle. Hume's dry remark on the incident is one of the most characteristic passages of his history. v. 67, 68.

he was baffled in this purpose by orders from Whitehall, and was actually kept away by means of agents employed by the court, until after the houses were dismissed.* Nevertheless, from his place of concealment, he appears to have managed to send a portion of his papers to Eliot. That vice-admiral was still officially connected with Pennington's chief, the lord-admiral, and had not as yet taken any public part against him; but he was one of the most eloquent members of the commons, and he was a brother-Cornishman and friend. The papers comprised not only a copy of Pennington's protest, but the original directions by Buckingham, and the final warrant by the king; and they remain at Port Eliot to this day. If there had been any momentary wavering in the purpose with which, very shortly before receiving them, Eliot had again turned his face to the south, they might well have sufficed to determine it for ever. On the night of Sunday the 30th of July, Eliot arrived in Oxford, and before the 5th of August there is reason to conclude that these papers were in his possession.

II. REASSEMBLING: FIRST AND SECOND DAYS.

Eliot's threatened call of the house had produced its effect, and the attendance in the divinity schools, where the meeting had been appointed, on the morning of Monday the 1st of August, was very large. This was the morning on which we now know that his right reverence the lord keeper had once more warned the king that the duke would be brought upon the stage; and some hint of that purpose might probably have been read even upon

* "The said Capt. Pennington returned speedily into England, and took his journey towards the city of Oxford, where the parliament was then sitting, by adjournment from Westminster thither. . . . Before the parliament was dissolved Capt. Pennington came to Oxford, but was there drawn to conceal himself by means of the duke."—Impeachment of Buckingham: arts. vii. and viii.

the faces of honourable members as they took their seats. But the lord keeper was himself to be first brought upon the stage, a circumstance he was not prepared for.*

Hardly had business begun when Sir Edward Giles earnestly craved attention for a matter of serious moment. As he passed through Exeter on his way to that assembly, he found sorrow and consternation prevailing in the town. The authorities there, some little time before, had committed a jesuit priest to prison for aggravated defiance of the laws; but immediately after the late adjournment of the houses a royal messenger had arrived from London with a pardon under the great seal, demanding instant liberation of the prisoner. Upon the mayor hesitating, and pointing out the contempt and insolence that had accompanied the offence, he was threatened "with the authorities above," and made to comply. Sir Edward went on to say that he held in his hand a copy of the pardon, and that it was expressed in unusual terms of latitude. It did not imply only a present pardon, but was in effect an indulgence for future offences. Besides being a release of the existing imprisonment, it was a supersedeas to all officers who might hereafter impeach the man. Nor was this all. The clause invariably inserted in such pardons, and indeed necessary under the statute, requiring sureties for good behaviour before discharge, had been likewise omitted. Finally, said Sir Edward, let the house observe the date of this pardon. And having reminded them of the speech of

* At a later point in his narrative, Eliot, after describing the resistance made by Williams to Buckingham when the adjournment to Oxford was proposed, refers to the effect which the subsequent hostility of the duke had upon the lord keeper's fortunes. "This being then diffus'd and credited "as 'twas truth, cast noe small prejudice both on his person and his acts: "that alsoe then begann to be fomented by those opposites, who, for the "preservation of themselves, studied his subversion. Both could not stand "together; but they must doe or suffer; and the after-game is not pleasant "in the court. Those therefore did infuse into the humour that was stir'd "what gall and vinegar they might; and by their privat instruments blow- "ing the coales then kindled, added alsoe more fiewell to the fire."

the lord keeper on the day of their adjournment, and of the solemn promise he then made in the king's name that the royal answer to the petition for religion should be real and not verbal, and that the penal laws against recusants should not be relaxed, he held up the document, and pointing to the lord keeper's seal declared its date to be the 12th of July. On the day next following after that grave and serious promise, the very man through whose lips it issued had been made the instrument of its violation.

"An ill comment on a faire text," exclaims Eliot in his *Negotium*; "an unhappie performance of a royal promise, *which likewise was the first!* Itt being in favour of that order also wh^{ch} is most dangerous in religion, and for a person as obnoxious as his order. The whole house, upon the apprehension of these things, assumed one face of sorrowe. Wonder it wrought in some, fear generallie in all. The confusion of their thoughts impos'd a silence on their tongues: wh^{ch}, having held awhile, thus at length it brake."

The speaker who broke it was Eliot himself, and he has entered the speech in his memoir in a form only slightly differing from that in which I have found it reported by himself among the MSS. of his other speeches at Port Eliot. Its tone and purpose were in complete agreement with what we know now to have been his temper at the time, and with what we shall find him to have steadily prescribed to himself for the future. Smarting from his recent experience of having seen the king's fair disposition in the matter of the Turkish outrages overborne by the sudden caprice of Buckingham, his object in the speech now delivered is the same that was to direct him unalterably for the rest of his public life. It was to fix the responsibility for such violation of royal promises not upon the king but upon the ministers of the king.

"Sir," he said, "Seneca reports it of an emperor that
"being pressed to sign his warrant for execution of a
"man, he gave this form and elegy to his sorrow, *Uti-
"nam nescirem literas!* He wished he knew no letters
"rather than employ them to such ends. In the like
"sense, I may at this time assume the like expression for
"myself, *Utinam nescirem loqui*. I would I could not
"speak, so there were not this occasion. But having
"this liberty of my mouth it behoves that I deal faith-
"fully with my heart. The consideration of religion,
"the honour of the king, the service of this place, re-
"quire that I freely render what I do conceive upon this
"case, and what I would desire upon the judgment
"of it.

"I cannot think that this pardon we have seen, issued
"from the king; or, if it did, that he rightly under-
"stood it. I cannot believe he gave his pardon to a
"jesuit, and that so soon upon his promise unto us. His
"favour perchance was intended to the man, and the
"man's guilt concealed by those that did procure it. I
"believe the guilt to lie with those who secretly extended
"to the order, so hateful and dangerous to true religion,
"the mercy designed for the man. It is not seldom
"among princes that such things are drawn from them.
"They cannot read every grant that passes them; and,
"if their leisure served, yet sometimes their confidence
"would decline it. Though they are princes, they
"leave not to be men. Hearts they have still, and
"affections like to others; and trust will follow where
"love has gone before." It became Eliot, in the cir-
"cumstances, so to characterise the relations of the king
"and his friend; and to ascribe to no unworthy motive a
"personal influence of which he knew himself the strength
"and fascination. But he would not therefore hold less
"sharply accountable the minister of the king.

"Sir," he continued, "I do not doubt this pardon to
"be some abuse of ministers, who prefer their own

“corruptions before religion or the king. They are
 “the same who have chosen for advancement divines
 “under the censure of this house. The time perhaps
 “is not now seasonable to question them; but yet I
 “would have the matter searched to know the secrets of
 “it. The lord keeper has been made the instrument.
 “Let the lord keeper be required to attend here, and be
 “examined by what warrant he did issue this pardon;
 “and that being known, let us see who procured it.
 “Much may be discovered in this little, and from an
 “evil cause some good effects may flow.”

Some interruption occurred at this, to which Eliot replied. He repeated his belief that they might all profit by the ill which had been done. He held that the king, when he should be more truly informed as to these matters, might recall his grant. “It has an example, Sir, with
 “the French, who in the like report it of saint Louis,
 “that when a murderer had petitioned him and received
 “a promise of his pardon, being then at his religious
 “exercises and devotions, upon coming to that in the
 “psalms *Beatus est qui facit justitiam in omni tempore*, he
 “revoked his promise and concession and caused the
 “malefactor to be executed. This to a private murderer that pious prince did do. How much more,
 “then, may we hope it from our king upon this traitor to the kingdom? Infinite is the disproportion of
 “the offences; equal the piety of the princes. Therefore what justice was done in that, I cannot doubt
 “in this; when our sovereign shall rightly understand
 “it. And to that end my motion shall incline. Sir,
 “I conclude that we should proceed forthwith to the
 “examination of the fact; and that being known, then
 “to represent it to his majesty with our petition for some
 “help and redress in this particular: and for a general
 “prevention of the like.” *

* MS. collections at Port Eliot. From the same collections, I ought to

But the courtiers (the "king's council") too well knew what Eliot was driving at, and that to consent to any such examination would not bring only the lord keeper on the scene, but also Laud and Buckingham. Several of them rose therefore, of whom the most prominent were Sir Thomas Edmundes, treasurer of the household, and the solicitor-general Heath, Buckingham's special advocate; "less," Eliot tells us in his memoir, "to make an extenuation or excuse, than, as "some thought, to divert the inquisition that was mov'd "for." They could not deny the fact of the pardon, or what it imported; but they described it as incident to the French marriage, and granted as a concession to the ambassador extraordinary who had come over with the young queen. It being a particular case, the danger was not much; and they "alleg'd it as a custom of king "James, at the departing of ambassadors, to make a "gratification of that kinde." Let the western gentlemen resolve their scruples as to this particular, then, into more hopeful expectations; for they might be assured that the answer which was coming to the petition for religion would in the general give satisfaction. The appeal was not successful, Eliot adds; the debate went on; and the views he had himself expressed received unexpected support from a grave and learned person, who then, though full of years and official experience, made his maiden speech in parliament.

This was no other than Eliot's old acquaintance, Sir Henry Marten, returned as one of the members for St. Germans. Eliot had been concerned in returning him; and, doubtful as their relations once had been, he remembered now only the better qualities of the man so long connected with Buckingham, who at last, like himself, had broken off alliance with his chief rather than fail in alle-

have noted, were derived the speeches *ante*, 162, 163, and 166-72. All are now published for the first time.

giance to his country. "There was in that gentleman," he
 "says, great years, great knowledge, great experience, and
 "great abilities of nature to support them. He was a
 "doctor of the laws, and had almost all the civill juris-
 "diction in his handes, being judge of the admiraltie,
 "judge of the prerogative, judge of the arches. In the
 "first he stooode as an officer to the duke; but the chiefe
 "dutie he profest was to justice and his countrie. This
 "was the first parliament he had serv'd in. This, al-
 "most his first entrance to the parliament. This, the
 "first triall of his service. Wth had such a reward from
 "the court, as might have beene a discouragment to
 "some others; and was not without trouble unto him."

Some of that trouble will hereafter appear; and may help to explain how it was that this grave civilian's son, now a bright and joyous youth of two-and-twenty, was beginning his manhood with an utter distrust of courts and kings, to end his life a regicide in the castle of Chepstow. It would be no violent effort of fancy to suppose that this speech of the old judge and courtier might have assisted, with other consequences strange and unexpected to that official household, in the growth and development of the most unflinching and resolute of wits and republicans, Cromwell's well-beloved Harry Marten.

The speech was staunch and uncompromising. Sir Henry addressed himself almost wholly to the argument of the courtiers drawn from the practice of ambassadors. He denounced their intervention in such cases as one of the grievances of the time. He pointed out that no other state admitted it, and asked how it was, if the contrary were maintained, that even the presence of their prince had not availed to release one protestant in Spain. But in this, Marten added, we but shared the infelicity with which treaties were made, and embassies conducted. It was not always so. In former times, when old ambassadors of wisdom and experience were employed, our treaties had not been unsuccessful. Now they were

become a byeword. It was common in the mouths of Frenchmen, that we could fight but could not treat; and that what our dexterity gained in the one, our clumſineſs loſt in the other. “He concluded in the generall, that “ther might be ſought alſoe a remedie for this.”

What gave bitterneſs to this ſpeech, Eliot remarks, was its perſonal ſignificance. Though no one had been named, it was well known who were aimed at. “The “ambaſſadors w^{ch} had treated with the French, then, for “the marriage of the queene, being the duke, the earl “of Holland, and the earl of Carlile. The firſt two, “young and gameſome; fitter for ſportes than buſineſſe: * “the other ſoe ceremonious and affected, that his judg- “ment and realitie were in doubt; and his aptneſs con- “ceav’d more to have beene *deliciarum arbiter*, as Pe- “tronus, than *arbiter regni* or *negotii regis*, as Pallas “under Nero. Thoſe did take that note of old ambas- “ſadors to have a contrarie reflection upon themſelves, “w^{ch} without doubt was ſignified; and for this they were “incenſed againſt him, whereof he had not long after a “full taſte.”

Meanwhile the ſympathy of the houſe for the preſent ſupported him. What he ſaid met with good approbation and acceptance, ſays Eliot, becauſe “it did ſpeake “that truth w^{ch} was written in each hart: and, the gene- “rall being laid up for ſome other opportunitie, the par- “ticular was reſolv’d on to be followed by a petition to

* Holland is ſaid to have been the only man in the court, not of his own kindred, whom Buckingham truſted or cared for; and the choice was characteristic, for Holland managed to make himſelf conſpicuous, even in that court, as much by duplicity as by frivolity of nature. The character of Buckingham himſelf, ſo lightly thrown out in this paſſage, by one who knew him ſo well as Eliot did, is curious; but in the main it is doubtleſs true. All his life he was young and gameſome, moſt fit for ſports, and fascinating where he liked; but a ſtateſman he never was, and to the laſt there was probably as much of the thoughtleſſneſs of the child ſporting with what ſhould never have been intruſted to it, as of any matured and deliberate purpoſe, in his moſt miſchievous actions. But their evil reſults and conſequences were not leſs terrible.

"the king, and a committee to that end appointed to prepare it."

So closed the first day of the reassembling; but yet graver warnings of what the favourite had to expect broke forth upon the second day. Immediately on their assembling "after the first reading of some bills, as the usual manner is, before the house be full, for entertainment of the morning," Sir Edward Coke introduced the subject of Richard Montagu. All knew it to be unavoidable, but some had strongly wished it kept back to a later time of the session. But, besides what was known of the man's appointment as a king's chaplain immediately after the proceedings against him in the last sitting, that very morning it was known that Laud, acting with Buckingham's sanction, had addressed to the favourite, and through the favourite to the king, a letter subscribed by himself and the bishops of Rochester and Oxford, characterising the opinions opposed to Montagu as "fatal," calling his doctrine the settled doctrine of the church and that alone which was compatible with civil government, protesting against submitting it to any secular tribunal, and describing the man himself as every way able to do great service to God, his majesty, and the church of England.* It was notorious also, that since his censure, and the reward of a royal chaplaincy that followed it, the king and his minister had given him other proofs of favour; † and everything so

* See Heylin's *Cypr. Angl.* 131-2. I shall hereafter have to refer to the claim set up in this letter that the king and bishops in convocation alone were the judges of any doctrinal dispute in the church of England, and exclusively empowered to decide thereon.

† There is a letter from Montagu to Buckingham in the Harleian MSS. 7000 (106) dated two days before the sitting at Oxford, gratefully acknowledging his and the king's interference for him, but stating that the latter had not yet entirely freed him from the control of parliament. He was indeed free from imprisonment, but the commons had not answered his majesty on other points. He beseeches Buckingham, therefore, for such further pressure as may obtain immediately his absolute discharge and redelivery of his bond extorted by the commons.

plainly declared the determination of the court to identify with the scandal of this man's opinions the future government of the English church, that if the commons had hesitated to accept the challenge they would have contradicted and dishonoured their traditions.

Coke, after pointing out the falsity of Montagu's views in government and religion, and remarking that he had never read a more dangerous book, moved that the writer be brought to the bar. "Send the serjeant for him," cried Philips, speaking yet more strongly. The serjeant hereupon being called, declared that Montagu, though released from imprisonment by his majesty's order upon his appointment as a royal chaplain, had not been released from the bond or sureties imposed by the house. But he was suffering from sickness; and had that morning, by a letter, announced himself as too weak to be able to travel. Alford, Strode, and Seymour replied vehemently to this that it was a mere pretence to avoid their just displeasure, and Seymour proposed at once to send for the man by one of their messengers. This called up the solicitor-general Heath, who said he had it in charge from the king to acquaint the house that Montagu was one of his chaplains in ordinary, that his majesty had taken into his own care the cause relating to him, and that his answer to their petition for religion would satisfy the house respecting it. Would it not be well, then, Mr. Solicitor continued, to draw up a message to the king commending the matter more specially to his decision, and importuning him for that remedy therein which he doubted not would be granted to the full satisfaction of their hearts; much trouble thus being saved, and yet the work accomplished?

Eliot rose after Heath. He regarded what had been said as rather for diversion than advice; and much less a safe retreat or issue to the difficulty they were in, than a way conducing to new prejudice and danger. Assu-

rances of satisfaction were only words, and the satisfaction could not be much when deeds contradicted them. It was true doubtless that this divine was now king's chaplain, but let them remember at what time he was made so. He was a stranger to the court until that house had objected to him. Their censure had been promotion to him, and they should thereby take warning. He disliked the counsel of going by message or petition. It was unparliamentary and unsafe. The other course was juridical, and *more majorem*. He offered instances in support of his view that to their house courses extrajudicial had seldom been fortunate or auspicious.* But the most dangerous of Mr. Solicitor's arguments he held to be the claim of exemption from punishment for this divine on the ground of his being the king's chaplain. Why, that being granted, all justices and deputy-lieutenants in the counties might have the like privilege and protection. Nay, the solicitor must go farther still. It was impossible that any man could commit a public crime or injury but by colour of some employment from the king. And so, all being made his servants, as that was then required, all, by the same reason, should be free from the jurisdiction of parliament. And what parliaments would be then, and what the country by such parliaments, he offered to the consideration of the house, "with a strong caution in that point to be carefull for Posteritie."

Be careful for posterity. Forget not the men who are to come after you. Look out of the narrow strip of time in which you stand, and be mindful ever of what lies beyond it. This is still the thought of Eliot—*negotium posterorum*. He speaks for it; he writes for it;

* Among them "the like remission to king James of the causes of Ire-
land and Virginia, 18th of his raigne; and that of S^r Symon Harvey 21st."
Sir Simon Harvey was one of the clerks of the green cloth, and purveyor to
the king's household; censured in James's last parliament for "many
"offences to the subject."

and is ready when the time arrives, not merely to yield up life for it, but to make the more difficult sacrifice of everything that renders life worth having.

Wentworth of Oxford, Sir Gilbert Gerrard, and others took up the same argument ; with the farther comment from Mr. Wentworth, that such notice of their acts by his majesty as the solicitor general had pretended, before those acts were made public and represented by the house, was of very ill precedent. Neither for encouragement nor warning was it expedient or endurable. The example of all times warranted their intentions, and all qualities of men had been subject to their questions. In the fiftieth year of that great prince, the third Edward, the duke of Gaunt and the lord Latimer were there impeached for giving ill counsel to the king ; and no dukedom or greatness could exempt them from the jurisdiction of that court. The right was still the same. Many then present remembered, in the twelfth of James, the case of Sir Thomas Parry, for whom, being a councillor of state, the king had by like message interposed ; but the privilege of the house governed then, and the case went to judgment and sentence. Nor was it likely that those who had taken part in more recent proceedings against a lord chancellor and a lord treasurer, would agree now to exempt a chaplain or other servant of the king's. Eliot remarks that there was unusual agitation among the members during these allusions, for that what was intended was plainly seen, and the duke was in the minds of all.

The result was a determination to proceed against Montagu, notwithstanding the king's expressed wish ; and Coke's original motion to send for him was revived. Eliot then interposed an objection of form. Suggesting that the former order of committal should be read, he pointed out that they could not send for a man in the custody of their serjeant as if he were out of prison, but that a time must be given to the serjeant ; and the ser-

jeant accordingly was "commanded to produce him, or "at his perill to answear the neglect." The very pregnant remark with which Eliot then closes the case, by anticipation disposes of the ridicule with which Hume and others have attempted to connect it.* The fanatical grounds alleged for the pursuit of Montagu had been formally disavowed at the time. If the members now at Oxford were enthusiasts for religion, it is the proof that they were also statesmen; and it was the continued foolhardy resistance to their wise warnings and just demands that raised up the other class of men and of opinions against which not churchmen only, but the church itself, proved powerless and were struck down. "Some in this dispute had sallied upon "the consideration of his booke, and therein tooke "occasion to argue his opinions; descending into the "subtillies of the schoolmen about the infallibilite of "grace, the antecedent and consequent wills of God; "but their zeale being more commended than their "judgmente, those doctrinall points were wav'd, as not "proper subjects for that place; and the dispute was "carried onlie upon the consideration of his person."

The dispute was in other words only to notify to the favourite and the king, that their continued patronage of this man and his abettors would identify them with his opinions; and that parliament were prepared to resist to the last such government and administration of the English church. Eliot says that already this was perfectly understood; that the church had begun to divide itself into parties accordingly; and that the ill effect upon the Oxford

* Take the following passages: "They attacked Montagu, one of the "king's chaplains, on account of a moderate book which he had latterly "published, and which, to their great disgust, saved virtuous catholics, as "well as other Christians, from eternal torments." "Some men of the "greatest parts and most extensive knowledge that the nation at this time "produced, could not enjoy any peace of mind because obliged to hear prayers "offered up to the Divinity by a priest covered with a white linen vestment." *Hume*, v. 63.

churchmen of the favour extended to Montagu offensively displayed itself in the selection of that one of their heads of houses who had most publicly avowed his sympathy with Montagu's opinions, Doctor Arican, to preach before the two houses at the appointed fast on the day following the Montagu debate. The commons treated this as an affront to parliament, and sent the two members for the university to expostulate with the vice-chancellor. That dignitary remonstrated with the divine chosen, and on his refusal to desist called together the delegates, by whom, not without great difficulty, he was discharged, and another named in his stead. "This," says Eliot, "showed likewise the spirit of that partie which studied an innovation in the church, and was taken for an indication of more danger. It was a new bouldness, and thought improper for such men; schollers and churchmen being not alwaies found soe confident. Still it increas't the feare; and, with that, the jelosie grew more hott; w^{ch} then appear'd in sparks, and after flam'd more cleerlie."

What farther was done upon the second day's sitting tended still in the same direction. The next was to be the fast day; appointed by the house before adjournment with a grave sense of the dangers that surrounded them; and a number of complaints preferred by members from their respective counties, showed that even in the preparations for this solemn act of humiliation, church partisanship had displayed itself. Laud had now the power to oppose whatever Abbott sanctioned, and he carried with him a majority of the bishops against the primate's authority.* The archbishop's orders for the fast had been only partially carried out; and the printed papers of instructions had not been transmitted to each parish

* Abbott himself now said of him bitterly: "This man is the only inward counsellor with Buckingham, sitting with him sometimes privately whole hours, and feeding his humour with malice and spite."—Narrative in *Rushworth*, i. 440.

according to the direction of the houses. The hardship thus occasioned throughout the kingdom was shown by Eliot from what had happened in his own county. The common people at Plymouth had been obliged to pay as much as half a crown and three shillings for engrossed copies of what they should freely have received in print.* This was now too late for remedy, but it increased the gloom and dissatisfaction that prevailed; and even the manner in which the sacred ceremonial was held upon the morrow, in that chosen place and stronghold of the church, was not satisfactory or suited to a time when so much need prevailed for religious observance and devotion. "The outward pietie," says Eliot, "seem'd great; and manie, doubtless, had it trulie in their harts. Yet some insinceritie was suspected, wher the practice and professions did not meete: that holiness being dis-trusted w^{ch} has not righteousness to accompanie it."

Thus opened the Oxford sitting of Charles's first parliament. The king could not read the signs of the times, or the temper of his people; and Buckingham, to whom they were better known, believed he had sufficient strength to disregard them. Charles was thus carried unconsciously to the open rupture which his minister had invited and planned. On the very day when the commons were debating Montagu's opinions as not compatible with civil government, the king was giving adhesion to Laud's letter, written to Buckingham at his own instance, and declaring it impossible to conceive how civil government was to be supported if the contrary of Montagu's doctrines were maintained. And so, closing up their senses against every warning of danger, blindly they went on to what awaited them. At each successive step in the fatal journey, this man Montagu will again and again appear. Buckingham will succeed in breaking this parliament, only to make its

* See also *Commons' Journals*, i. 810, August 2.

successor more formidable. Laud will attract power to himself and honour to Montagu, until, himself archbishop and Montagu receiving consecration at his hands, there will burst upon them both, at that supreme hour of their triumph, the news of Buckingham's violent death amid the ill-concealed rejoicing of the people. But no uneasy visions disturb the present prospect. Laud and his patron have a common object at present in breaking with the parliament, a section of the council who had resisted have been frightened or cajoled into acquiescence, and the king is their unresisting instrument. He has sent word to the houses that he will meet them on Thursday morning in Christchurch hall, and will there tell them all he expects from them.

Before we meet them there it may not unusefully show how history is sometimes treated, if, reverting to the first day's incident of the jesuit pardon, I enable the reader to compare that authentic relation with the false colouring and exaggerated form given to it by writers who have sought to build upon it another charge against Eliot's honour.

Only one pardon was in question, as has been seen; and of this the circumstances had especially commended it to the notice of the western members. Giles called attention to it; Marten and others spoke upon it; and Eliot's speech, which proposed directly to fix responsibility for the act upon the ministers rather than the king, was doubtless levelled indirectly at Laud and Buckingham.

We have now to observe how the story gets itself told. Hackett, Williams's biographer, writes of the first day's sitting at Oxford: "The speaker had no sooner taken his chair but a western knight enlarges the sense of his sorrow that he had seen a pardon for six priests bearing test July 12; whereas but the day before it, when

“they were to part from Westminster, the lord keeper had promised them in the king’s name before them all “that the rigour against the priests should not be deluded.” In due course this is copied into the history by Oldmixon, who, after giving it correctly enough, supplies a name to Hacket’s blank and makes the western knight Sir Robert Philips of Somersetshire.* Then followed the huge history-book by Echard the archdeacon, who, eager for anything that could be made to tell against Eliot, not only in copying it converted the western knight into Sir John, but blundering over some preceding words by Hacket to the effect that “it “was my lord Buckingham’s hardship to move the “king to command the warrant to be sealed in his sight “at Hampton-court,” and confounding this with the king’s reported promise in presence of them all, finally tagged to it the statement as if made by Eliot, that the pardon to the six jesuits had been signed by the king under pressure by the duke in Sir John Eliot’s presence at Hampton-court.†

In that form the paragraph reached Mr. D’Israeli. It was bad enough. Eliot had simply reminded the house of the power of the king’s minister, covering the king’s responsibility by Buckingham’s; whereas Echard made him charge the duke with having forced the king, in his presence at Hampton-court, to sign the pardon. This was a sufficient perversion of the truth to have been allowed to stand without addition.

But there is no blunder so great that Mr. D’Israeli will not make fertile and fruitful by ingenious suggestion and philosophical induction. Here was tempting illustration for his favourite theme, and thus he improves it.

“That Sir John Eliot was *well known to the king*, and “*often in the royal circle*, appears by *Sir John’s complaint*

* Oldmixon’s *History*, 78. Ed. 1730.

† Echard’s *History*, 422.

"in the parliament at Oxford in 1625, of six Romish priests being lately pardoned, which the duke had pre-vailed upon the king to be done *in his presence* at Hampton-court. Eliot, like Sir Dudley Digges, *was in fact a great servant of the duke.*"*

And in this way, too often, materials are supplied for history and historians.

III. IN CHRISTCHURCH HALL, AND THE MORNING AFTER.

At nine o'clock on the morning of Thursday the 4th of August, the two houses, the commons having first assembled in the divinity schools, met the king in the old hall of Christchurch. This was to be the first scene of what no man so well as Eliot knew to be only an elaborate comedy got up by Buckingham, and in which even a section of the ministers themselves were to be but half-consenting partly-conscious actors.

Charles spoke briefly, as his custom was; and not graciously. He referred to the preparations in hand and the necessity of the work, as a thing admitted; though well aware that what was known out of his own council was the magnitude of preparation only, and of its destination nothing at all. He told them that in his judgment it were better that half the ships should perish in now setting forth, than that all the preparations made should be lost by their not going forth at all. But this

* *Commentaries*, ii. 272. This is one of those passages, I ought to remark, which Mr. D'Iraeli, after the publication of my first sketch of Eliot, silently withdrew from his book. It does not appear in the edition of 1851 referred to in a previous page (131.) But, as neither in this nor in the other instances where he has been compelled to withdraw special charges, has he frankly stated that he had done so, or permitted the fact of his having been misled in those special instances to modify the view which he had built upon them, and to which he continues to adhere, of Eliot's subserviency to Buckingham, I have thought it right to comment in the text as I have done, by way of protection from any possible reproduction of the calumnies either from Mr. D'Iraeli's first edition or from those older authorities which led him into error.

he left to their opinion ; again urging ("in his manner," interposes Eliot) the expence which had been incurred, and that without a farther aid there was an impossibility to proceed. Then he alluded to their gift of two subsidies at the previous sitting, "and his acceptance but not "satisfaction in that pointe." And next he spoke of the time, how dangerous it was ; stating for himself that he knew not the disorder had already broken out when the adjournment to Oxford was suggested ; and putting it to them "whether they should hould greater, the fear of "sickness to themselves or the dishonor of their nation." His closing remark had reference to the promised answer to their petition for religion. Within two days they should have it. Eliot drily adds that this was offered "as a cordiall and restaurative which was to sweeten the "operation of the rest."

To the king succeeded the secretary of state, Lord Conway. He had received his instructions from Buckingham, and he also spoke briefly. The parliament, he said, in counselling the rupture of the treaties had occasioned the war, in which now consisted the honour of the kingdom, the safety of religion, and the general good of christendom. If anything should obstruct the preparations on foot, the Germans would divide, the French disband and reunite with the catholics, and the king of Denmark would retire to make his peace with the emperor. What was wanted, then ? He reckoned the particulars of outlay, and made what Eliot calls "an immense calculation of the treasures exhausted," with this startling result, "that ther wanted onlie some thirtie or fortie thousand "pounds to doe the worke." Therefore had the king resorted to his subjects to crave the help which his ancestors in like cases had received.

Greatly to the surprise of the country leaders of the commons, as soon as Lord Conway resumed his seat, Sir John Cooke left his. "A member of the commons," exclaims Eliot, "as yett no publick minister

“ of the state, was, without leave from them, and that
 “ never done by anie man before, in their prefence made
 “ a dictator for the king !” With amazement they saw
 Cooke go up to where his majesty and the duke sat, and
 “ after some formalitie of seeming to take instructions,
 “ at the present, in that which he had studied long
 “ before,” come back and prepare to address them.
 He had “ the honor in the face of that assemblie,” adds
 Eliot with a grim sort of humour, “ to be cal’d upp pri-
 “ vatlie to the State, and from thence returning, as from an
 “ Oracle inspired wth a new spirit and wisdome, he pro-
 “ pounded the sacred reasons he had gathered.” And
 startling as the preparation was, the reasons gathered
 were not less so.

His beginning was at the end of the Spanish treaties,
 “ wherein he show’d that the late king at the instance of
 “ the parliament, by the co-operation of his majesty that
 “ now was and the duke of Buckingham (*giving them*
 “ *that conjunction*), was drawne to breake with Spaine.”
 Avoiding then the plain fact that the cause of all the
 blundering that ensued was the old king’s reluctance to
 keep the path into which he had been driven, the orator
 gave very grand reasons for very silly actions. “ In
 “ respecte of the qualitie of his people, through a long
 “ peace and quiet become unapt for warre, at least in much
 “ want of art and preparation, he prudentlie dissembled
 “ his intentions for awhile, and suffer’d himselfe to be
 “ entertain’d with mediations and entreaties, and new
 “ propositions to be made him, untill by degrees he
 “ came to that w^{ch} he intended.” In other words, having
 work of pressing urgency to do, he did not do it or at-
 tempt it until too late.*

* “ Sir Richard Weston, Sir Edward Conway, my lord Carlile, Sir
 “ Arthur Chichester, and the Lord Digby have all been employ’d in quality
 “ of ambassadors in less than two years.”—Howell’s *Letters*, 105. If he had
 named all the lesser luminaries of James’s diplomacy he might have added
 a dozen more.

After similar fashion the orator proceeded to handle other delicate subjects. There was the French marriage, so encumbered with conditions as already to have become extremely adverse to the feelings of the people; but Sir John Cooke was ready to explain that their crowned Solomon had "in France seene all thinges in combustion, and the king ther inclininge to sheathe his sword in the bowells of his subjects rather than to turne it against others," and therefore, "to make the more strickt conjunction with the French, he sought their alliance for his sonne, and by that match to make the bond inviolable between them." So, in regard of the unfortunate affair of Mansfeldt. The sagacious old monarch had observed the Low Countries to be "in greate danger and necessitie, by the potencie of their adversaries and the faction of the Arminians, w^{ch} begann to make an interruption in their government and threatned them in more," and therefore, "weighing those things, for an encouragement to the states, he lent them six thousand men, and pay'd for their entertaynment for two years;" which led on to the league between the Low Countries, France, Savoy, Venice, and himself, for the raising of the army to serve under Mansfeldt. And though he might admit, with worthy gentlemen who formerly had spoken, that it had not answered the expectation at the full, "yet it had produced some fruites worthie of that designe: as the putting off of the Dyett in Germanie favorable to the catholic powers; the encouragement of the protestant princes; the comming of the king of Denmarke into the field; the attempts of the French upon Milan; the reconciliation of the French protestants to their king; and the scattering of the enemies' forces in the Low Countries." This recital, Eliot adds, was new to the house, and not a little astonished those who so lately, at Westminster, had listened to the same speaker on the same theme. He does not, however, think any other remark necessary

than that "it was thought to be more studied, not more true; nothing either of intelligence or fact having happened in that time, to give itt other colour than his fancie."

Having thus celebrated the wisdom of king James, the orator descended from these altitudes to describe the position of king Charles. Of all that had been so settled "in preparation or in act" by his late majesty, he had now to inform them that the full "fruite thereof is yet shadow'd under hope, but that his present ma^{ty} is not willing to desert it. Being the effect of the counsell given by parliament, by parliament he desir'd to follow and accomplish itt." But it required a greater charge than his treasure would supply. The fleet was now upon the seas, going towards the rendezvous at Plymouth. Ten thousand landsmen were on board, for the action which had so great an expectation in the world (and of which, Eliot is always careful to note, the house had been allowed to know nothing). Yet there wanted some money to supply them; some necessaries for the ships, some provisions for the men. Would they, by refusing these, leave both men and ships unserviceable? It was the first fruits of their warfare, the *primitiæ* of their king. Not merely upon formality, or occasion of the accession to the crown, had they been called together, but specially for the consultation of this business; to which the hope of his majesty's allies, the honour of his kingdom, and the interests of religion were engaged. He might further add that his majesty had received intelligence of a design to trouble Ireland, in connection with a large increase of the enemy's navy in the Low Countries for the purpose of thrusting over part of their armies into England. And this being so, he left it "*wholie to their choise whether, by ballancing the occasions, they should thinke fitter, upon the consideration of the time, to let the action fall, or to give him more releife.*"

This conclusion, says Eliot, astonished not only those who were not in the secrets of the council, but some that supposed themselves more knowing. It was judged so little answerable to the premises that few men who heard it understood it. Here was a work upon which, as alleged, immense treasure had been spent; as to which the preparation had been infinite, as the necessity was said to be urgent; which was now advanced to such forwardness that it wanted but forty thousand pounds to complete it; and with the success of which, as pretended, the honour of the kingdom and the interests of religion were bound up. Yet were they told now that they might defer it, or proceed with it, according to their choice; and, whether they assented or refused, that was to be their sole business. Ignorant of the favourite's real object, says Eliot, various opinions were formed thereon. The more charitable believed, that, the opportunity for the special service first intended having been lost, the original design really no longer existed. The more jealous and distrustful suspected that a secret reconciliation had been made with the enemy. The only thing generally credited, as the members in discussion with each other returned to the divinity schools from Christchurch hall, was that the scheme, whatever that might be, for which the preparation had been set on foot, was about to be abandoned. The false position in which the members of the council not wholly wedded to Buckingham thus found themselves placed, had, it will shortly be seen, important and unexpected results.

"All believ'd," says Eliot, "the preparation would be left, nor ships nor men be drawne further in the imploiment; that the studie was how to impute itt to the parliament, so that either their counsell or deniall should be an occasion to dissolve it; and that some color onlie was sought for the satisfaction of the world, that, whatever did occur, a cause might be in readinesse, and, if the reason pres't it, a faire excuse at hand."

To Eliot himself, as we have seen, it was secretly known that only a portion of this was true. The duke had merely overacted, through his instruments, the part which in substance he had confessed to Eliot his intention to play. His object was to get rid of the commons for that time; and it had been easy to draw the king into it, apart from the influence he had exerted over him all his life, by alarm for their treatment of Montagu, their attitude as to religion, their claim for redress of grievances, and their attacks on great officers of state. But the speeches of Conway and Cooke in Christchurch hall had so stated the case as to involve equally in Buckingham's design every member of the council. They had taken it too exclusively for granted that the commons had a predetermined purpose to oppose whatever was submitted, and in their eagerness to strengthen Buckingham's case against the commons had in far greater proportion weakened the case of the king. The less we ask for, Buckingham had reasoned, the worse for them to refuse. The more indifferent we seem to either issue, the more overbearing they will be for their own. Give them simply the alternative of compliance with what we ask, or of refusing and separating. So shall we break with them, yet not appear to have desired it; and be justified in proceeding by other ways for the service of the state. This had been his argument to the king; but it was not one that the lord-keeper, or even Sir Humphrey May and the few members of the council who followed him, were at all prepared to adopt in its consequences.

The mistake committed in this respect had become obvious by the time the commons returned to their chamber. The smallness of the sum asked for was spoken of as a "miracle." They discussed the sudden and extraordinary change of counsel since the same arguments they had just heard were employed to justify a demand for six times the amount. Why were they

brought together at such inconvenience, and in a time of so much danger, if this was all the business to be dispatched, and if redress of the subjects' grievances was to be deferred indefinitely? The proceeding would have seemed incredible, were it not that the privy councillors and their mouthpiece spoke in the presence of the king. Eliot adds that a remark to this effect escaped from one of the gentlemen of his county. It was immediately silenced; "but that parallel and conjuncture of co-operation wth the king was not, though silenc't, yet forgotten."

Two resolutions were passed before the commons separated that afternoon. One, that the matters of which they had heard in the morning should be discussed at nine o'clock next day; and the other, that no one was to depart on pain of censure. No debate was permitted upon either. "The remayne of that day was reserv'd for meditation."

The seats were crowded on the following morning, Friday the 8th of August, and the debate, which proved to be a stirring one, was opened by the member for Oxford, Mr. Whistler. He was for a conference with the lords. He declared he saw no other way out of the difficulty. His desire had been to continue their sitting and to give, until he heard the worthy member (Cooke). But, the king having left it indifferently to their choice, "ballancing the importance of his service wth the dangers of the time," he was not now for continuing to sit to "think of a new supplie." The greater good must of course be preferred. "Fancie and affection must not governe in such counsells." Perhaps the lords might be able to resolve them as to the real importance or otherwise of the preparations in hand. The plague was now around them; at their very doors; but the safety of the kingdom was more than the safety of their lives. If the former were involved, "he was noe Englishman that would leave his post, to die resolutelie for their

“countrie having been the honor of their nation;” but if it were otherwise, “he was no friend to England that desired it, nor could they in wisdom give themselves as “a sacrifice to their enemies.” For himself he was now for separating and not giving. Why should they continue? “The supplie w^{ch} was demanded being too little “for their valewes; less than they should spend, if they “continued ther awhile.”

Mr. Whistler’s argument appears thoroughly to have disconcerted that section of the council which May represented. He was a moderate man, not as yet committed strongly to either side; and what he said so far had special weight that it brought out vividly, apart from any views held by the “sticklers” and “dangerous” men, the unmeaning position in which they had permitted themselves to be placed. But they did not see all they had been betrayed into until Sir Francis Seymour rose. They had resisted the proposal for a conference; and other members had claimed to have propositions from the council laid before them in detail that they might “by *capita*, debate them;” when the member for Wiltshire not only closed discussion on these points, but started in the place of them a discussion of quite other temper, “whose spirit,” says Eliot, “once up, was “not soe easilie conjur’d down.”

Seymour was a man of great powers and high social position. The third son of Lord Beauchamp of the famous family of the great protector Somerset, he was younger brother to Arabella Seymour’s husband, and, upon subsequently going over to the court at the meeting of the parliament in 1640, became Baron Seymour of Trowbridge. He was probably first driven into opposition by the court’s harsh treatment of his brother, but while he continued with the country party he displayed a striking ability and rendered effective service. It was he who had proposed in the previous sitting the limitation to one year of the tonnage and

poundage bill ; and upon his arrival in Oxford for the present sitting he was, if the lord keeper is to be believed, the first member whom Buckingham's creatures had tried hard to get upon their side.* He was now about to show how ill their success had been ; "and this he did," says Eliot, "with much bouldness and some asperitie."

He began by declaring that he could discover no other reason for that meeting and assembly, nor that there could be other end thereof, than the corrupt and selfish gratification of some who desired to put a jealousy and dissension between their sovereign and his subjects. The declared object was money. But the king had professed himself content with their first grant at London, which was now in course of collection ; and even if more should then be given, it could not be levied till the raising of the other subsidies should be over, and against that time, which would be the spring, in the ordinary course they must have met again. It might be said that upon a vote of the house to give, there would be credit to raise what was wanted ; but what an argument was that to the dishonour of the king ! It was in the general affections of his subjects that a king was rich. A particular declaration might show him entitled to a part, but the other made him free of the whole. All that his subjects possessed belonged to the monarch who could show any true occasion for such service. But that the small sum named, the forty thousand pounds of which they had heard, and which he blushed to think of, that *this* should need a parliament to procure it, were to exhibit too great a show of want and poverty in the government ! Where was that old treasure of the kingdom, THE REPUTATION OF THE STATE, which the times of

* "Sir Francis Seymour," says Williams in his apology to the king, "a knight whom I knew not by sight, told many of that house who imparted it unto me, that on his first coming to Oxford he was dealt with by a creature of my lord duke's, whom I can name, to set upon the lord keeper, and they should be backed by the greatest men in the kingdom." —See Hacket's *Scrinia Referata*, ii. 19.

queen Elizabeth enjoyed, when the least of many ministers of hers, if there had been occasion, could of his own credit have supplied a greater sum than this? Where were the days when that famous, never-to-be-forgotten princess, having no want, nor use, but only in prevention of her enemies, took up at once of the moneyers then in Germany almost all the coin of christendom? Where was that credit now? Where were such examples in this age? He doubted their worth and fidelity were gone. The ministers now, he feared, were the men who had themselves brought to their master his necessity; who, by unnecessary preparations, had exhausted his treasures and spent his revenues; and who now, conscious of faults so committed, were seeking to colour them by some others, and, if they could, to lay the blame on the commons of England. The gentleman that spoke on the previous day had talked to them of peace in France, and of a late reconciliation for the protestants there. But who knew not the violence against the huguenots at present? *Who did not wish that our own ships might not be made abettors in that violence?* Within the recollection of them all, five subsidies and three fifteenths had been given for the succour of the queen of Bohemia. In what had she been thereby bettered? What had been done therewith worthy of the intention? No enemy was declared, nothing attempted, but the consumption of themselves. Happy the prince who was counselled by men of worth and knowledge! Miserable he who rested on the confidence of men that could but beg or flatter! Glorious the memory of a queen who could be munificent to her servants, by feeding them not on the marrow of her subjects but from her own stores! Nor would he despair to see the like glory and greatness wait upon that prince from whose true service no dangers should deter them, if he would but give them leave to do somewhat for their country, whereby it might be enabled and encouraged, through them, to yield him seasonable supply.

This speech dismayed the courtiers. They had not considered the third course it presented to them, of refusing to give, and yet (for the reason that only by redressing the subjects' grievances could they be able or qualified to give) of continuing to sit. With the weapons they had hoped to use against others they found themselves assailed, and their own pretences turned against them. "That charge," continues Eliot, "upon the ministers of state; the fallie on their counsils; the parallell of the times; was no good musicke in their ears. All mention of the elders had antipathie to them, and the glories of that princefs were like bafalisks in their eyes. The mention of 'flattery' and 'begging' also was knowne to have reflection on the favorite; that bouldness gave suspicion yett of more; and to prevent it, and what was like to followe it, the Chancellor of the Duchie did stand up with reasons and persuasions to staie the storm."

May took up at once the subject of the war expenses and preparations, confining himself to it, and avoiding all reference to Seymour's startling allusion to the huguenots of France; for the reason doubtless that though a member of the council, he knew much less of Pennington's story at this moment than either Seymour or Eliot. In the few first words he uttered, he separated himself from Conway and Cooke. They had left it to the option of the house whether the war preparations were to proceed or be abandoned; whereas Sir Humphrey began by declaring that if the credit of all that had been done should be lost, besides the disadvantage of the work, it would be a general loss to the honour of the nation, and impeach the reputation and esteem which were the soul and life of every state and government. He went over the old ground that parliament had advised the dissolution of the treaties, and described as its results the separation of France from Spain, the reuniting of Germany, the weakening of the pope, and the emboldenment of Denmark to

take the field. Were they now to desert their allies? The credit of ministers in past times had been appealed to; but if the plate and jewels of the king, or of some others they had heard of, could have procured money in the present need, and money enough, they had not met there then. But it was for them to give, not for others. The king's engagement was by them. He undertook but the design which they propounded. They ought not to recede now. It was no excuse for such a course that they knew not the means, or disapproved the men, whereby the design was in progress. He would give them a different example from those times that were so precious in their memories. When the Earl of Devonshire went deputy into Ireland, the court and the council were opposed to him. But when the Spaniards joined the Irish rebels at the memorable siege of Kinsale, the court, though enemies to the lord-deputy, yet furnished him with all things needful in that hour of danger; and Lord Salisbury, then lord-treasurer, took pride to himself and the council that the deputy could not complain of *them*. Nothing had been wanting of their help, and if there were miscarriage the blame must be his own. Let the house profit by that example now. Let them agree to make supply, and lay the burden of its proper use on others.—Sir Humphrey was never without store of apophthegms, and with one he concluded, warning them that they incurred more danger in being reserved than in being adventurous. Money given there might be cast into the sea, and so some treasure lost; but not given, posterity might have to rue it.

“The witt of this gentleman,” says Eliot at the close of his report, “always drew the attention of the house, though his motions seldom relish’t it.” As he had been a servant to Elizabeth’s deputy,* bred under his com-

* This was the same Mountjoy, Earl of Devonshire, with whom Laud was less creditably connected as chaplain at the opening of *his* public life.

mand and with him in those troubles, his illustration had excited interest, but no man felt it to be properly applied. The general tone of his speech, however, in direct contradiction as it was to those of Conway and Cooke, gave rise to much speculation. Could it really be desired that a pretext for dissolving the parliament should be afforded by its denial of supply, when the chancellor was now so urgent the other way? "The desire and expectation of denial," says Eliot, "which most men did believe, seem'd to have a contradiction by his waie, pressing for directlie for supplie, he being noe stranger to the cabanet. This caus'd a distraction in some thoughts, that by the superficies judg'd the bodie. But those that took the dimension of all partes, in the depth thereof found another sense and meaning; which was, but to qualifie the jealousie conceav'd, and to divert that consideration of the counsellors, which he perceav'd, having a sharp judgment and inspection, had for inflam'd the affection of the house that noe small matter could allay it; opposition being like fuel to such fires; and therefore he endeavour'd it, by changing that suppos'd state of the cause, that for, if possible, he might change the order in proceeding."

This view was confirm'd when Edmundes, the treasurer of the household, rose after May, and throwing aside altogether the limit first propos'd, substituted for the forty thousand pounds a demand for two hundred thousand, or two entire subsidies and two fifteenths. Eliot tells us afterwards that this had not been done without previous application to Buckingham, who replied simply that the more they asked the less likelihood was there

having abused his sacred office to the celebration of what he knew to be a false marriage between his patron and the married woman with whom he was living, Lord Rich's wife. But Laud's subsequent remorse for the act appears to have been deep and unaffected, quite apart from the injury it had entailed by obstructing for some years his promotion.—See Abbot's Narrative in *Rushworth*, i. 440.

now of obtaining it. "They would but hasten the deniall the sooner by enlarging the demand."

But it was all in vain. "The proposition of those counsellors for supplie had but a could acceptance; and the intention w^{ch} it carried to divert the former motions, was wholie rejected and in vaine." The morning had passed in these fruitless attempts to undo the mischief done, and there was yet no sign of yielding. On the contrary, excitement was manifestly on the increase among the country party, and was finding expression in unaccustomed language. A motion was made for adjournment until next day, but in place of this it was resolved to meet again that afternoon. And in the afternoon accordingly they reassembled, to hear one of the most remarkable speeches ever spoken within those walls.

At this point Eliot stops to indulge in a tone of reflection singular and interesting in itself, and showing decisively when his memoir was written. Buckingham had lately fallen by the hand of his assassin, at what seemed to be a time supremely testifying to that continued and unhappy predominance over the king which the noblest of his subjects, the best and ablest of Englishmen, had failed even to weaken; and Eliot makes no attempt to conceal, what no one thoroughly acquainted with the period can doubt, that the miserable fanatic who committed that murder acted as much under the incentive of the public hatreds as under that of his own wrongs, and that among Felton's contemporaries the disposition largely existed to account his deed in the nature of a judgment rather than in that of a crime.

"But that labor," says Eliot, again referring to the speeches of May and Edmundes, "was in vaine. The quarrell being begunn, all men were apprehensive of the injurie, and many did expresse it. Soe hard it is, wher publick wrongs are done, to keepe them from vindication or complaint. Minions maie enjoie the

“ favor of their masters ; but if they once abuse it, noe
 “ priviledg can protect them. The subjects’ crie will
 “ followe them ; and if it prevaile not upon earth, heaven
 “ will heare and help them. Justice is provided for
 “ their adversaries. Seldome they escape itt here ; never
 “ hereafter. Vengeance does attend them ; and when
 “ the offences done are soe hardlie left unpunished, this
 “ should make them more cautious in offending. The
 “ meeting of the commons might have been prevented
 “ with much fastie ; but, being mett, that crime was
 “ thought unpardonable. He that was the occasion of
 “ the trouble, must have his share therein ; and by that
 “ means or more, till the measure of his iniquities was
 “ full. And then, Vengeance must surprize him like a
 “ whirlwind, and noe favor or greatnesse may deliver him.
 “ But as his meritt, such must be his reward.”

IV. A MEMORABLE DEBATE.

Upon the reassembling of the commons after the dinner hour, Sir Robert Philips arose ; and before he resumed his seat, the relations of the country party to the government, and the position of members in the house to each other, had been changed more decisively than in any previous parliament within memory. The leaders, taking up for the first time a compact position together, had abandoned the narrow question of mere giving, or refusing to give, of being subject to this or that personal caprice of an individual minister, and had taken their stand upon the broader ground, on which the conflict thereafter was continued and fought out, of the subjects’ grievances and claims to redress, and of the old right of parliament to offer advice and counsel to the sovereign. Eliot prepares his readers for “ a high straine of eloquence by that master of expression, Sir Robert Philips ; ” and is careful even to describe the un-

wonted gravity of manner and seriousness of preparation displayed by him on this occasion. "Casting his notions into a quadripartite division, for method and order to his speech, in more than wonted gravitie, to raise the expectation of his hearers, having compos'd himself, thus he spoke."

First he took the fact of their having been assembled after so brief a recess, and at that place. It was to him, he said, not inferior to a miracle. He adverted to the satisfaction that had been expressed in their work at London, so that no servant of the king, nay, if they must be distinguished, no minister of state, but approved what they had done. He reminded the house that his majesty himself, who was more than a thousand others, had given such acknowledgment thereof, that, in very testimony of his feeling, the adjournment had been suggested for preservation of their healths, which he balanced equally with the consideration of his own. Such having been the satisfaction of that time, and nothing afterwards occurring to account for change or alteration; no new enemy discovered, no new design in hand, no new danger pressing; yet were new counsels suddenly taken. Why, no man could judge. How the former satisfaction should be lost, and by that, their favour with his majesty; so that what then was thought enough, should of a sudden seem too little; no reason could resolve him in the point, nothing but divinity could judge.

Philips then, with extraordinary bitterness, adverted to the part played by Cooke at the close of the Westminster sitting,* pointing by inference at the person of whose will and pleasure he had then made himself the instrument, and further illustrating the distinction now heard of first, and pregnant with so much danger, between ministers of state and servants of the king.

* See *ante*, 301-305.

Strange indeed was the precedent to which he had called their attention. It was without example that upon the declaration of his majesty before named and his acceptance of their gift, most of their members being retired, indeed so few left they could be hardly called a house, that then a new proposition should be made in his majesty's name! Who was it that had done this? Who was it that had planned it, like a surprise of enemies, not as an overture from friends? Friends should deal clearly and above-board, not circumvent the innocent, not make such requital of their love. This, nevertheless, had been the act of the same gentleman who yesterday again, before his majesty, did that which never before was done, and for both deserved to render an account. For, though the danger at the former sitting had been put aside, the attempt was not less guilty; and for what they had all so recently witnessed, no excuse could be made. Strange, he repeated, were those things; but far more strange the adjournment for only a few days, and that meeting there in Oxford! As it could not be that the king should have such mutability in himself, was not the real cause manifest to them? To have the whole kingdom hurried in such haste for the will and pleasure of *one subject*! That the subject should presume to transfer his errors to the parliament! That the parliament should be thought a fit father for great faults! All this, he protested, was beyond example and comparison. But the mischief was done, and he would rather now take advantage of such good as might be procurable from it. He was himself, therefore, in no respect of opinion with those that were disinclined to continue to sit. He valued not his safety beside the safety and welfare of the kingdom. God had brought them thither; and, as Joseph went for Egypt, by that coming, though unwished for, some glorious work might be. What was not intended among men, the pro-

vidence of heaven could induce. *They were to all their parts, and leave the success to God.*

To the second division of his speech, which concerned the counsels of the kingdom whereby these evils had become possible, Philips next addressed himself. As to the Spanish labyrinth of treaties out of which so much mischief had proceeded, he was of opinion that God had made it a national punishment for their sins. By those treaties were induced that dangerous journey of their prince, led on by the flattering counsels of servants who had brought king James in love with the deceitful face of friendship held by Spain, and betrayed him to the nets of a subtle, fox-like, artificial, faithless people. Well had he reason to remember what was suffered in that cause, when, for the opposition made in the parliament of 1620, their liberties were harassed and their persons in restraint,* whereof, by the ill influence of those planets, he had himself borne a share. For what had he, and others before whom he was then speaking, been taxed, but for arguing against the Spanish match? For that time, however, a deliverance came through a higher power, and the very journey into Spain, which began not to that end, was the means itself of releasing them. What ensued in the following parliament was fresh in all their memories; the desires entertained, the pledges demanded, the promises given and broken. He would name to them three for which, at the rising of that parliament, it was believed that security had been taken. The first was, that for prevention in the future no more such treaties might endanger them, but the prince should match with one of his own religion. The second was, that there might be such respect held to our neighbours and fellow-protestants in France, as to preserve their safeties who reciprocally were "a safety unto us." The third was, to maintain the religion of the kingdom

* See *ante*, 110, 111.

that the laws might have their life, and delinquents not be suffered to affront them. How these promises had *not* been kept, the certainty was, alas! too great. They knew what articles had been proposed for the Spanish match, and what conditions had been made at the French marriage they had too much reason to doubt. Let them look around them before it was too late. They would see the papists still increasing, the priests and jesuits growing more bold, little done for support and much for discouragement of their allies, and coldness and indifference everywhere in place of warmth and zeal. Let them ask themselves by what counsels this was so, and suffer truth and reason to answer it.

The orator then took up, for the third division of his subject, the present state and condition of the people. He told the story of impositions, and of the title set up to a royal prerogative therein, from so early as the seventh of James's reign. He described how the question had been handled in that house, and how argued and debated for the interests of the subject. He cited the resolutions passed declaring it their right, their inheritance, to be free; and with these he contrasted a series of acts deliberately committed in prejudice of that liberty. He dwelt upon well-remembered scenes in the parliament of 1614: when, upon a conference having been settled with the lords for which all the great lawyers of the commons, being appointed leaders, had prepared arguments to vindicate the subjects' rights against the pretended prerogative, a plan was hit upon for disposing of those elaborate arguments in a manner much more effectual than by handling them in conference, it being resolved to burn the arguments instead of attempting to reply to them; and thereupon, in the presence of the council, before whom arguments, books, and records had been brought by royal order, while his majesty looked on through a hole of the arras from the adjoining clerk's chamber, a

bonfire was made ! * As far, continued Philips, as present power might rule the judgment of posterity, it was then meant that the liberties themselves should be consumed, with the records and books that held the evidence of them. But straightway they rose again. Never had a large bounty been taken of the subject, as when two subsidies were given in 1620, as when three subsidies and three fifteenths were given in 1623, but surrender was exacted of the claim of the prerogative in that point. Nevertheless, so little had the bounty of the people availed, so little had been the regard given to their modesty and forbearance, that now while he spoke, and in violation of the law passed in the parliament last named, this grievance was still upon them ; and a wrong had been added to it which never was before. *The dues of tonnage and poundage were at that instant in course of levy and collection without a grant from parliament.* Were power and force, then, alone to be extant ; and was right to be held an impertinence to states ? He declared it for his conviction that there had been more pressures on the people within the space of seven years then last past than almost in the seven ages next before it. Let them infer, from that, in what condition the subject now must be ; what ability was left him, and what affection he was like to have ! Was consideration of the state more encouraging than that of the people ? He had shown them the councils there monopolised, as the general liberties elsewhere. The whole wisdom was supposed to be comprehended in one man. Master of all favour, he was likewise master of all business. *Nihil unquam prisca et integri moris*, as Tacitus had observed

* Sir James Whitelocke, Bullstrode's father, in his *Liber Famelicus* (pp. 41, 43) has also described the scene. "I saw the king," he says, after mournfully recording the fact of his having just before seen his own twenty-four sides in folio, written with his own hand, burnt by Mr. Cottington, then clerk to the council, "look through an open place in the hangings, about the bigones of the palm of one hand, all the while the lords wear in with us."

upon the decline of Rome, *sed exuta æqualitate omnia unius jussa aspeſtare*. Many were the counsellors in name, but few retained more than the name. *Æquales ordinis magis quam operis*, as Paterculus had noted of the like. Their reputation might be somewhat, but their authority was small; and their affections as much under check as their greatness and power. Nor could any stronger argument be used to show the sickness of the state, than that which those very gentlemen had presented to them; that its credit was so weak it could not without a parliament take up forty thousand pounds!

Some uneasy expressions of dissent here falling from the counsellors, Philips seized the occasion with the resource of a great speaker. He did not name these things, he said, to cast obloquy upon any member of that house. They bore other meaning to him. They were an argument that God was not their friend. By those abuses of favour among them, they had lost the favour of the Almighty. He was become their enemy; and unless they had peace with Him, it was in vain to think of war with others. An inward preparation must precede, before their outward preparations could be hopeful; the watchman waking but in vain if the Lord watched not with him. Let no one, he added, closing in this most striking way the third branch of his address, be content to repose in a fancied security. *It might truly be held an impossible supposition that the English would leave their king*. Yet in respect of the great abuse of counsels, let the counsellors then present bethink them who was indeed responsible; and that IF ANY MAN MADE A STAND the blame must light on those who had occasioned it. If they would get heaven again upon their side let them follow the examples of their fathers. The way of parliaments was the only safe one; and wherever the ill counsel was, it should be left to parliament to remove it.

The fourth division of this remarkable speech dealt

generally with the matters embraced in it, and gave the orator's opinion on the whole. Let them not think that he desired to tread too near the heels of majesty. He craved only to keep majesty from danger. All things were now suffered under that name, and could they believe that the name itself did not suffer? There could be no greater wrong to the king than the injury of his subjects; and it was their duty, in that house, to vindicate both the subject and the king. He would not have them reason of what they understood not. Too much time had been wasted there in talking of the fleet, and whether the ships should go or stay. How could they judge, not knowing the design? Let it be carried out by those who planned it; of the event it would be their function to judge; and meanwhile higher duties awaited them. The estate at home, the affairs civil and domestic, these were the proper objects of their cares. To settle the government of the kingdom; to rectify the disorders, to reform the grown abuses, to heal the divisions thereof: *this was their business*. And for this he would not have them think of parting, but would have them earnest suitors to his majesty that he give them leave to continue to sit. The great service they might thereby render to their sovereign would afford him more ample aid and credit than many subsidies could give. It would bring him whatever was needed now to clear the streams of his revenues, to refill the fountain of his exchequer, to replenish his exhausted stores, to collect his scattered beams! *It would lay at his feet the love and satisfaction of his subjects*. Desiring therefore that such might be the resolution of that house, he moved a committee to prepare, in accordance therewith, an address to the king.

The effect of this extraordinary speech, so quiet yet determined, so brief yet comprehensive, loyal in the highest sense but filled with the consciousness of power, earnest not less than eloquent, and pregnant with signal warning, was decisive in one respect. From the hour of

its delivery the struggle between Charles and his parliaments took the form which, through many subsequent changes and vicissitudes, assured to it its ultimate triumph. Days were to come in which this old boundary would of necessity be overpassed, but for the present the limits were defined, and the purposes declared. The narrow issue which Buckingham had sought to raise was put aside for ever. With the question of sitting or separating ; of giving or refusing to give ; of supplying the wants of the court for purposes not permitted them to discuss, or betaking themselves to their homes ; of making laws to a minister's caprice, or not legislating at all ; were now joined, in such wise that none might separate them, a quite different question. It was not to be a personal quarrel, little or great. It was to be a contention for the liberties of England in the interest of her king. Through the side of Buckingham it was hoped that these might be reached ; and Charles was first to be saved from that ill counsellor. This was a novel turn indeed to the personal issue which the duke had himself raised in his interview with Eliot ; and from this point, it is clear, he suffered that part of his scheme to drop. The daring and insolent expectation with which the houses had been so suddenly adjourned and so precipitately reassembled, appears at this time to have deserted even him. His plan had failed, after Philips's speech, even should they be dissolved at once ; and that some compromise might be possible so that they should not be dissolved without giving, seems clearly to have become, from the moment that Philips resumed his seat, an object of sudden and extreme desire with the rest of the councillors.

Never, says Eliot in his memoir, had disaffection declared itself in the house of commons with so much strength and sharpness. The mere injury of that meeting was forgotten in the entire prejudice of the time. For all the mistakes committed, for all the misfortunes

suffered, both foreign and domestic, responsibility had been fixed upon the court. Its ministers and servants had usurped powers not belonging to them; had abused the favour of their prince; had drawn all things to their own desires; and had then yielded what was grasped to the disposal of one unbridled will. "Against this prodigious greatness, which like a comet was suspected to threaten great disasters to the kingdom, the general intention of that house began then to be inflamed; and neither parting nor supply was any longer thought considerable in the case, but the reformation that was spoken of, the restoration of the government." So violent on the sudden became the stream and current, that it was to be stayed at any risk; and to attempt to stay it, another of the privy councillors stood up, Sir Richard Weston, chancellor of the exchequer. Eliot's remark thereon is further proof of the time when he was writing. When the favourite was murdered, Weston had become lord-treasurer; and we shall find Eliot devoting his last speech in the commons to a denunciation and warning of that follower of Buckingham, against reviving the spirit of his dead master. In the same tone he says here that chancellor Weston now had "to practise for others what he must after endeavour for himself. Such being the fatalitie of great persons, that example of misfortunes cannot move them. This man must see in others, what were the dangers of exorbitance; how Phaeton rose, and fell wanting a moderation to containe him. Yet honor and ambition must transport himself, let fortune rule the rest!"

Weston's speech was elaborate, but made small impression after Philips's. As to religion, he doubted not the satisfaction would be speedy, and that therein would be no more fear. He did not deny that the long time of peace had bred errors in the state by a too much dependence on treaties, but it was now for them

to rectify those ills, and to seize the advantage “under hope.” Two leading reasons he alleged as decisive for a further vote of supply. The first was the necessity of the work in hand; the cause of religion being in it and the general good of christendom, besides the honour of the kingdom and restitution of their friends. For, the princes engaged with them had but followed *their* enthusiasm; to hate, to love, and to fear at their bidding; and as there had been warmth, there would be coldness, if such were the example now. The next was the king’s necessity, on which the chancellor greatly insisted; dwelling upon the debts and expenses inherited from his father, the charge for the royal funeral, for ambassadors and the like, by which his chests had been emptied; and pointing out also how serious might be the danger, if the king and themselves should now part abruptly, of thereby declaring abroad the existence of an ill understanding. His majesty when in Spain had observed how his father suffered by the prejudice of such disagreements with his parliament. It was from seeing how the home-bred jealousies and distractions between his subjects and himself had brought him to contempt among that people, that the prince endeavoured, during the last parliament, as a happy star and planet to compose all such. The result had been more grace to the people, in the laws then passed, than at any time before. Such and so real, therefore, being the demonstration of the virtues of their sovereign, and so manifest his occasion and necessity, they ought not to be backward in trusting him. There and then was the opportunity. Whatever might be contemplated as desirable hereafter, the present time was indispensable to the action in hand. Let them put other questions aside for the present, and speak only to that. Affairs abroad were not to be commanded. Other things might stay. Two subsidies and two fifteenths would be dearly purchased to be then withheld. The expectation of the world being upon that first

action of the king, if he lost thus his honour it was no small thing he parted with ; it being the honour also of the nation, which had no medium between their glory and their shame. The fruit of their former labours was in that ; and if they there should leave it, both that and all their bounties were in vain. Moreover, not confirming then the counsels they had given, *beyond that day there would be no place for counsel.*

The sting of this address, its point as well as its meaning, was in its close. The final sentence was a threat. If they did not that day ratify what had formerly been advised, the opportunity was gone from them. Beyond that day there would be no place for counsel. Nevertheless, Eliot contents himself with remarking drily respecting it, that there being deemed to be in it less of prophecy than menace, the dislike it moved was greater than the fear. Generally it was noted too, he says, how much it varied from the speech which was made before the king, wherein thirty or forty thousand pounds was talked of. And all this, he adds, "quicken[ing] still the humour that was stir'd, "drew this expression further from that great father of "the law, Sir Edward Coke, who, in much observance "to the house, much respect unto the cause, having "consulted with his memorie of the proceedings in like "cases from the precedents of the antients, made this "introduction and beginning"—An abstract of the speech follows. It was one of Coke's greatest efforts, and the imperfect fragment of it in the histories has led to many a regret that it should not have found completer record.* Now for the first time we may observe its general scope, and understand the effect produced by it.

* The editors of the new edition of the *Parliamentary History* (vi. 364) with some reason congratulated themselves on having been able, by the help of "an old manuscript of the proceedings of this parliament," to preserve certain strokes at the lord treasurer and the lord admiral not preserved in the fragment of Coke's speech contained in the *Journals*

He began by saying, that, in the 37th of the third Edward, when, though that prudent warlike king was in the exaltation of his glory, the subjects yet were suffering through the abuses of some ministers, the commons sent up a petition that Edward should command his bishops and clergy to pray for three things: the state and happiness of his majesty, the peace and good government of the kingdom, and the preservation and continuance of unity and love between his subjects and himself. These had been put in hazard by the conduct of his officers; and till the doers of such wrong to the king, obscurers of his glory, were removed, no subvention would be possible. If, without distaste or injury, that petition might be made to such a prince, why in their own case should they fear it? In that confidence he would freely speak his heart, for the honour of his sovereign; not doubting but his goodness would so take it. After which preamble he reduced his subject, through many divisions, to the question of whether they should then make an addition of supply, or by some other mode give subsistence to his majesty.

For the first, then, he rendered his opinion frankly, *not to give*. It was not parliamentary to engraft subsidies upon subsidies. Were they then to give, collection could not be made until the spring; in itself not merely a long credit, but one that would put in peril what was far beyond all grants or payments, the good affections of the subject. And let them remember the afflictions of the time; the interruption to trade by the pestilence; the shutting up of London; and the consequent decay and poverty of the commons. Abundant were the examples of foretimes, to warn them never to press too far the people's ability to contribute. In the fourth of Richard the Second, and in the third of Henry

(i. 811); but a comparison of either of the fragments with the complete abstract now before the reader will show the value of what Eliot has preserved for us.

the Seventh, rebellions followed. And when, in the fourteenth of Henry the Eighth, the attempt was repeated, the collectors were all slain; nay, so fearful was the apprehension raised throughout the state, that to moderate the excitement the king had to disclaim the fact, translating it to his counsellors; who from themselves imputed it to the judges, by whom it was laid upon the cardinal. Thence might be estimated the dangers incurred at that time, by risking too great a load and pressure on the subject; and the same he held to be a reason irresistible against giving now. As for the argument of necessity, it was but the convenience of those who employed it. Nothing so easy as to retort that argument against the supply of the necessity pretended. Using the distinction made by Bracton, of the three sorts and orders of necessity, *affektata*, *invincibilis*, and *improvida*, he thought the necessity in this case to be neither affected nor invincible, but improvident and voluntary. And where was the encouragement to giving, when those that had spent the former gift must be masters of the new store, and the people would be contributing of their substance for nothing but their own ruin?

The great lawyer next took up the second branch of his subject, or the modes other than a subsidy by which subsistence might be found for his majesty. And here the reader has to remember that what is now called the civil list was then unknown; * that parliament had as little check over the private expenditure and gifts of the king, as over the sources of his ordinary income and revenue; that, from the absence of all necessary controul over the farming of the customs and the distribution and sale of offices, the most frightful abuses were prevalent; and that the uncontrolled power of the sovereign over the enormous waste lands, parks, and

* See *ante*, 157, 158.

forests, formed a subject of constant complaint as it was a source of fruitful oppression.

Coke began by laying it down for his ground-work and position that subsidies were not proper for the ordinary expense and charge, but that the provision, for this, should be in the ordinary income and revenue. *Commune periculum commune trahit auxilium*: common support and aid should be for common dangers. The proper store of princes lay in lands and revenues. Such was the institution of their government, and so had been the practice in foretimes. Three things, he went on to say, were requisite to a king, and for these there must be a constant ability in the state. The first, to defend himself against the invasions of his enemies; the second, to give help to his confederates and allies; the third, to reward the merits of his servants. Should any of these be wanting at this time, it was wanting to the king. No arguments were needed to prove this, which to the full he admitted. There was a leakage in the ship of the state when so much could be said. But to repair the deficiency, to stop and not increase the leakage, and in the manner that would commend their work, they must first search the causes, and then propound the remedies; which, as his reason should suggest them, he now proposed to do.

For the causes he named eight. First, the frauds of officers and servants; instancing the farmers and collectors of customs, "the customers" as they were called; of whom it was notorious that one farmer had been deriving to his private gain during the last seven years not less than 50,000*l.* a year. Secondly, the Spanish leagues and treaties; wherein was lost and spent more than arithmetic could count, whereas from that faithless people nothing was ever got but by war. Thirdly, the erecting of new offices with large fees, and the continuance of others both unprofitable and unnecessary, indicating first among the latter the president-

ships of York and Wales. Beware of such irregular jurisdictions, cried the great ex-chief justice. They are a monstrous burden to the king and no less oppressive to the subject. A similar presidentship had been intended for the west, and, by an order of council in the thirty-first of Henry the Eighth, was so resolved; but the wisdom of that county declined it, preferring to rest upon the common law of England. Fourthly, the multiplicity of offices in one man; who not only could not serve them faithfully, but excluded from them others worthy of preferment, whose rewards, such places being possessed, must come directly from the revenues of the crown. Fifthly, the disorders of the royal household, through the abuse of such ministers as Cranfield* and Harvey, who had been suffered to leap presently to the green cloth out of shops and warehouses in the city. Sixthly, excess of pensions and annuities, of which he declared that the state had then more charge than the whole government had borne from the conquest to that time; a market having been erected for such wares, which, by so being bought and sold, had grown into a perpetuity and continuance. Seventhly, grants for portage of money, carrying allowances of twelvepence a pound out of the revenues gathered; whereas the service might be done without the least deduction. Eighthly, grants of fee-farms and privy seals; whereas gifts and rewards from the crown should consist of offices and honours, not of the royal treasures or inheritance. Such among others Coke alleged to be the causes of the waste complained of; and from thence he passed to consideration of the remedies.

He distinguished them, after the manner of physicians with their cures, into two, remoyent and promovent.

* *Ante*, 160, 162. "From walking about the exchange he has come to "one of the highest places at the council table; he is married to one of "the tribe of fortune, a kinswoman of the Marquis of Buckingham." *Howell*, 116.

For the removent, he would have the stated causes at once be attacked by their direct contraries. The frauds, he would expose and punish. The treaties, he would abandon. The needless offices, the oppressive and irregular jurisdictions, he would retrench; citing for this course precedents from nineteenth Henry the Seventh and twenty-second Henry the Eighth, when the like was done. The multiplicity of places held singly, he would abolish. The abuses of the household, he would rectify by recurrence to old institutions and forms. The annuities and pensions in excess, he would remove. The portage of monies, he would supersede by directing the sheriffs of each county to bring in the revenues to the exchequer. And all royal largesse, of whatever kind, he would be sparing of until treasure should abound; quoting for illustration what was provided by the statute of ninth Henry the Fourth, "that no man should beg till the king were out of debt." Such for the removents having propounded, he handled then the promovents. First among these, he held that large augmentation to the crown, and increase and benefit to the kingdom, would result from the inclosing of waste grounds; the king having thirty-one forests, besides parks, containing a mass of land that might be brought into various uses, but which then yielded nothing but a charge. Secondly, the government of Ireland should be rectified. That government, in the days of Edward the Third when silver was but five groats the ounce, brought in more than 30,000*l.* a year; whereas now, notwithstanding the increase in the value of money, its returns were worse than nothing. Thirdly, the king's rents ought to be improved. They would bear, he said, under proper management, an increase to a full third; and that in itself would be a large addition to the ordinary revenue, which ought to bear the ordinary expense. But how should such improvements be effected? *There was but one way; by the selection of good officers and ministers,*

the incapable and bad being dismissed. So, in the sixth of Edward the Third, that king undertook it, and brought to an equal balance his expenſe and his revenue. So was it alſo accompliſhed and declared, in the fiftieth of Edward the Third, in the ſixth of Richard the Second, in the fifth of Henry the Fourth, in the firſt of Henry the Fifth, in the eleventh of Henry the Sixth, in the firſt of Edward the Fourth, in the firſt of Henry the Seventh, and in the eleventh of Henry the Eighth. It ſtood on record, moreover, in the roll of the twenty-ſeventh of Edward the Third, folio nine, that that king, during fourteen years' war with France, had not once charged his ſubjects becauſe he had good miniſters and experienced officers. Upon all which, Sir Edward cloſed with a deſire that they ſhould continue their ſitting, to the end that a committee might be appointed to conſider the matters of which he had ſpoken, to ſet down thoſe or ſuch other heads as might be thought hopeful to that ſervice, and to obtain from his majeſty time to treat and handle them, according to the importance of the work.

The ſcope, gravity, and weight of this ſpeech, Eliot remarks, had a prodigious effect; and there was one particular paſſage in it, he adds, that more than all the reſt ſeemed to gall the privy counſillors. Leſs apparently on that account, however, had Eliot thus reſerved it for ſeparate mention, than as having ſpecially made appeal to himſelf as a vice-admiral. It occurred where the great lawyer, dwelling on the improvidence and incapacity of miniſters, ſhewed it by diſorders in the admiralty, and by the miſmanagement of the naval preparation, of which they had heard ſo much and which had done ſo little. It was a new faſhion, he ſaid, that had come up in ſuch things. In the days of queen Elizabeth, the navy had other things to do than "*dance a pavine*," lying upon the water ſo long time in readineſs without action. But it was now, forſooth, the charge of his highneſs the lord admiral. In the old time, that great place was not committed to ſuch truſt. Places

of great title had always indeed been ready for enjoyment by great personages ; but to offices such as the admiralty, it had been the wisdom of their elders to appoint only men of sufficiency and merit. Up to the twentieth of Henry the Eighth, the masters of the ordnance were tradesmen ; and after the nobility once possessed it, that office had never been well executed. Now, however, the most laborious and difficult duties were far from too much for one grand personage. In the reign of Edward the Third the admiralty was divided into the south and north, as being in the judgment of that prince too much for one command ; but now it seemed that both this and a vast many others were much too little for one !

When Coke finished it was expected that some councillor would have risen, whereas all of them on the right of the chair waited, considered, and spoke not. Members of the country party continued nevertheless to address the house, and among them, Mr. Alford, Sir George Moore, and Mr. Strode ; applying themselves chiefly to the two arguments of the courtiers, that the parliament was committed to what its predecessors had undertaken, and that the work to be accomplished by the naval preparation was one of necessity. To the first it was answered that there was no engagement, as was urged ; that there was no power to engage the kingdom but by act, and that if there had been an engagement, it was quit ; the last parliament having given four hundred thousand pounds towards it, besides the subsidies granted since, and yet even now no war proclaimed, nor any enemy declared. To the second, by induction it was argued from the form and incidents of the preparation, that the alleged necessity could not possibly exist. Having raised a laugh against some reasoning of an indiscreet friend of the Palsgraf and his wife, Sir Francis Netherfole,* Mr. Strode pointed out that the

* Netherfole's argument had been, that just when the treaties were broken, a great lump of the Palatinate was going to be disgorged, and that

land soldiers for the service had been all prest, and at their rendezvous, in May ; that the seamen were there in April ; and that the victualling and provisions were shipped in March. Of the latter nearly five months store, therefore, had been spent without moving from the harbours. At a vast expense and charge, and without any service to the king, the landsmen had been three months, and the seamen four, under positive pay and entertainment. More had actually been wasted monthly, since March last, than the sum of what was now asked for. And was all this covenable with the necessity pretended ? *

The strange silence of the councillors was at length broken by the re-entrance, after brief absence, of Heath the solicitor general, whose very close connection with Buckingham gave a marked intention to the tone he assumed, and leaves us to infer from it what Eliot more plainly states ; that as, from time to time during this memorable day, notices of the debate and its incidents found their way to the minister, his arrogant self-confidence for the moment had been shaken. Heath vain would have blunted, with conciliating proffers and phrases, the keen edge turned against his master ; but it was too late.

if the preparations were now abandoned, the Palsgraf would be in a worse position than even the treaties put him in. But the argument raised nothing graver than a smile. "It had," says Eliot, "small authority or belief, coming from a gentleman that was seldom fortunat in that place" (the house of commons). "He was a servant to the Palsgrave, secretarie to his queene ; and one that had a faire education, and some hope in his younger days of studie : but in his exercise and practice, art had so confounded nature, or time both, that mostlie his affections had prejudice by his reasons."—*Eliot Papers*.

* Strode's argument against the pretended "necessity" of the naval preparation, says Eliot, he baulked altogether. "For to denie the argument, he could not ; the inference being so cleere that such unnecessary preparations and expenses prov'd rather an excesse than a necessitie. To denie the particulars that made up the induction, he dared not ; their truth being knowne to all men. To grant both the induction and the inference, and in the fact denie it, was as dangerous as absurd ; it supposing a necessitie without reason, and an improvidence more shamefull than the wante."—*Eliot Papers*.

He began by protesting for himself that having two capacities, one as a member of that house, the other as a servant to the king, he would without partiality express himself; not as holding of Cephass or Apollo, but to the reason of the case and in the integrity of his conscience, as his judgment and opinion should direct him. Well, then, he held that they were bound by the declaration of the last parliament, involving the dissolution of the treaties and a war as the consequence.* In this view their grant at the last sitting was not a satisfaction, but an "earnest;" the obligation holding not to the time but to the occasion. For the not knowing the enemy, it was but a point of form, of ceremony, at the most but a dispensation for the present; a dissolution of the bond it could not be; and he should himself humbly join with those who might be sutors to the king to remove that scruple of their jealousy, and let the enemy be declared. For the holding of places by men of no experience, he knew the person aimed at, as the house knew his own relations to that person; but if he had been in fault, that was no reason why the public service should be prejudiced, or that this, which had the first claim, should not be preferred, and the particular complaint dealt with afterwards. For the afflictions of the time, they were in God's disposal, and could not be prevented; nor might they be pleaded in excuse for not resisting actively their enemies. Their enemies were armed, and would not be idle if they themselves sat still. Either in Ireland or elsewhere they might expect some attempt upon them, which would put

* Remarking upon this argument in another portion of his papers, Eliot says: "That point of the ingagement from the previous parliament was againe answer'd, not onlie from the fact but from the intention of the house: wherein it was remembered that soe carefull they had beene to avoid that rocke and shelve, as both in the declaration which preceded, and in the preamble of the act which was made an explanation of the former, all words and fillables were stroke out that might carrie an interpretation to that sence." Eliot himself, it will be remembered, had taken active part in those proceedings, and spoke with personal knowledge both of what was done and intended.

them to more trouble and more charge than was asked of them now. The season of the year had been objected to by some, as if the time were past for the fleet to put to sea ; but to this he answered that as the design was secret, the right season for it could not be known. A learned person whom he profoundly respected, had compared the king's estate to a leaking ship, not to be ventured further in until it were careened ; but if a leaking ship were set upon by enemies, it would not be the business of the crew to look to the stopping of the leak and let the ship be taken, but first to oppose the greater danger. Outward attempts were to be met, though inward diseases might brook delay. He concurred with the councillors, therefore, that it was fit, and should be the sole business of that time, to give ; but for the quantum he would refer it to the house altogether.

The day was now far spent ; no disposition existed to accept Heath's overture as anything conciliatory from the duke ; and no attempt was made to resist a further adjournment of the debate to the following morning. The short interval of time was to be busily and anxiously employed by both parties.

V. CHOOSING PARTS ; AND ASSISTING AT A PLAY.

" The daie being farr o're spent," says Eliot, " much time and labour past in those arguments and disputes, " and manie more intending still to speake, the house " perceav'd the resolution was not neer." Plainly there was not any hope that a day might bring the debating to its close. It had assumed proportions too formidable for the old limits and rules.

Such a spirit, Eliot informs us, had never been shown in his recollection. In that Oxford divinity school had been heard many a debate tough with the *ous* and *ous* of polemical controversy, but unknown to the old walls till now was the fierceness of a debate upheld by

stern resolution and inflamed by passionate resolves. Never before, in the house of commons itself, had men so vehemently spoken out their differences, or so eagerly ranged themselves on opposite sides. Nor was this the sole or the main distinction from previous periods of excitement otherwise resembling this. Much as they possessed in common, there was yet a peculiarity very marked at present, and not noted in former times. It was not, as Eliot says, that "the courtiers, being fearfull, "grew exasperated for their friends, whom they sawe "aym'd and pointed at, and did doubt some neerer "touch." It was not that the country party, as he candidly admits, "by the opposition made more quicke, "in openinge their grievances finding still more grievance, "their own motions warm'd them, and their affections "were inflam'd by reflection on themselves." It was not even that what he describes as a sharper spirit, and larger issues, "the danger of the kingdome, their owne particular dangers, hazarded for the pleasure of one man," had so generally embittered the apprehension of injuries and the resolution to requite them, that now hardly any "neutrals" were left untouched by those passions or unsharing in that "contestation of affections." But what distinguished especially this time from the former, were the efforts made to win these very "neutrals," few as they were. Nothing, Eliot tells us, could be more broadly marked than the two sides into which the house had now divided. "Those whom noe privat interests "did move were bent wholie to complaint: those whom "the court possesse were as earnest to decline it." But between them, divided by fear and ignorance, stood some in expectation of the issue, waiters on providence, "without reference to the cause, but desiring to be with "the victors." In number they were few, "the truth "of what was urged being most obvious and apparent;" but though far from considerable in the question, they were important to the result, and extraordinary efforts

were made on both sides to secure to either side their adherence. In very presence, as we read, we see government by party in its germ; and the first shoots of that gigantic growth which has since for good and ill overshadowed England, are visibly starting up before us.

As soon as the house rose, the canvassing began. What had been violent to-day, all men felt would be more violent to-morrow; and the whole of what remained of the afternoon was spent by the leading members and privy councillors in passing to and fro among the wavering and undecided, urging and pressing them to choose their sides. It was the afternoon of Friday, the 5th of August, and "either party," says Eliot, "in the remainder of that daie so labor'd the "strengtheninge of their sides. Infinitt was the practice us'd wth all men, to sound and gaine them; wherein the courtiers did excede. Noe promise or persuasions were too much, to make one profelyte in that faith. Whom ambition had made corruptible, their offerings did allure; and what reason could not, hope did, then effect."

Yet the next day did not open hopefully for them. Besides the debate on supply, the Montagu affair had to come on again, and was to be made even more bitter by an untimely discovery. It is all passed away now, the *Old Goose* as well as the *New Gag*, leaving of the very names only their derisive sound! but it was serious then as life and death to pious protestant men, that such doctrines should find such favour; and that a partisan so reckless, loving popery as much as he hated freedom, and under censure of the house and the displeasure of his primate, should be selected for religious duties about the person of the king. The good archbishop attended at the bar, but could add nothing to what formerly he had communicated; * and Montagu himself kept away, alleging still a bodily sickness, and moving further the house's

* *Ante*, 252-57.

indignation by writing to their serjeant instead of petitioning themselves, as became a man under penalties for appearance. Then rose the member for Dorsetshire, Sir Walter Erle, having papers in his hand received from certain justices of his county, and desiring the house to take notice what kind of disfavours as well as favours were shown by ministers of the crown. Not many days before, it appeared, these justices, by a warrant of search under the law against recusants, had found in the house of a disaffected person "an altar, copes, crucifixes, books, "relickes, and other popish stuffe;" whereupon, having committed the owner for refusing to take the oaths prescribed by the law, "a letter was sent them from the "court, sign'd by the secretarie of state, requiring them "forthwth to redeliver the stuffe w^{ch} they had taken "awaie, and to sett at libertie the partie." * Very bitter comments were passed on this before referring it to the committee on the jesuit pardons, for mention in a remonstrance to be addressed thereon to the king. "It "wrought powerfullie on the house," says Eliot, "fo- "menting their jelousie, increasing the difficultie of "atonement, and making the contestation farr more "strong."

In this temper the debate on supply was resumed; when, after some sharp speaking, in the course of which Sir Henry Mildmay declared against any subsidy as long as papists were connived at, avowing his belief that indifference to religion was the cause of all their miseries;

* "This," continues Eliot, "by those justices was certified to their "freinds. They, as they thought it necessarie, did represent it to the "house: w^{ch}, taking it into the number of their grievances, though they "did not much dispute it, did much revolve it in the consideration of "their thoughts, that at that time such contenance should be given to sue "great offenders of the law; that the law must be control'd in the favor of "such persons; and that ministers of justice should receive an increpation "for fidelity to their offices and duties, and that where religion was involv'd. "Though the formal deliberation, in point of remedie and redresse, were "refer'd to the committee appointed for the pardon, yet the evill was then "repented, and the cause not doubted to be knowne."

wherein Mr. Coryton was also for giving the first place to religion, and would have no compromise by subsidy on subsidy, but proceed after the old parliamentary way ; and in which Sir John Cooke, urging once again that a fresh subsidy to be collected in April and October of the following year would not clash with the collection of that already voted, or violate any useful parliamentary usage, was replied to by Mr. Strode, who created no small merriment by asking how the two subsidies and fifteenths payable more than a year hence were to supply a fleet that was to go out in fourteen days.—Eliot rose with a proposition for an address to the king for permission to continue to sit. He spoke briefly ; but insisted that this was a point requiring to be settled before the vote on supply was taken, because the means to give really depended upon it. He was followed by Sir Nathaniel Rich, the member for Harwich, who supported the proposition, and with that view would have certain matters at once referred to a committee, and included in the proposed address. He then read from a paper, doubtless a result of the previous night's consultations, five heads of subjects that they ought to have full time to consider and decide on, before voting further subsidy ; and Eliot proceeds to name these in his memoir, without directly stating that he had been concerned in preparing them, but with the remark (which may help us to a suspicion on that point as well as to a reason why they were formally submitted by another) that his connection with the service of the state made him more zealous to rectify its disorders.

Religion was the first. So far had the boldness and cunning of the adversary prevailed herein, that unless successful countermines were made, no more was to be expected from their enterprises than happened to the Israelites while the accursed thing was with them ; and the king's promised answer to their petition should be rendered therefore, not in ordinary conference, but “ in

“full parliament, that it might be recorded in both “houses to receive the qualitie of a law.” The second subject was the preparation for hostilities; as to which it was asked, that if there were a real purpose for a war the enemy might be known by public declaration to that effect. The third had relation to the disorders in public affairs, for remedy whereof a grave council was desired to advise with the king. The fourth was his majesty’s revenue; which it had become necessary so to look into as to stop its leaks and restore its fulness, or there must for ever be poverty in the crown, and grievance and oppression in the government. Lastly it was urged, that all doubt as to impositions should be cleared; for without it, no man could say what truly was his own, or know how to promise or to give. Sir Nathaniel Rich closed the statement with which he preferred these demands, by declaring that in form they were strictly parliamentary; that nothing was further from intention than to put them forth as a “capitulation” with the sovereign; that in the twenty-second of the third Edward the like course had been taken, a like petition being exhibited upon less reasons from that house; and that in this case there was further a necessity, because without some help therein the kingdom could no longer either supply the king or support itself.

No reference of any kind, it is very observable, was here made to Buckingham; yet the absence of personal allusion, so far from being accepted as conciliatory by the “privados” of the minister, seems to have alarmed them as at a danger lurking or concealed. Sir N. Rich had scarcely resumed his seat, when a connection of Buckingham’s who represented one of the cinque ports of which the duke was lord warden, Mr. Edward Clarke, undertook to prove that what they had just listened to was only another form of the “*bitter invectives*” they had heard launched against the lord high admiral on the previous day. “At which,” says Eliot,

describing the curious scene that followed, “ being interrupted by a generall exclamation of the house, to preserve their wonted gravitie and the dignitie of their members he was cried unto the barr. Upon this he was wthdrawne for the consideration of his punishment, that had not more expressions than new waies. Manie delivered their opinions, and most, different. Some to have him excluded from that house, others for ever to debarr him. Some likewise did propound an imprisonment and mulct; and with varietie in those both for the place and summe. Others more favourable, mov’d onlie for an acknowledgement of his fault; and that also wth some difference. Some would have had it acted at the barr, others but in his place. And ther wanted not, that would have wholie had him pardon’d, and perhaps that scarcelie thought him faultie. But the receav’d opinion was that which divided betweene these: not to make the severitie too great, leaft it might relishe of some spleene, nor yet by lenitie to impeach the justice of the house, but that the example might secure them from the like presumption in the future. Therefore his censure was, to be committed to the sarjant, and ther to stand a prisoner during the pleasure of the house. This being so resolv’d on, the delinquent was call’d in, who, kneeling at the barr, had that sentence there pronounc’d; and soe the sarjant did receive him.” Thus ended the strange scene, and the day’s sitting unexpectedly prolonged by it; but not so the effect produced.*

The moderate section of the privy councillors went that afternoon to the chief minister with a compromise. It seems probable, from the manner in which it is described by Eliot, that May had brought them previously to consult with him; but the extent to which he

* It has been frequently alleged that such incidents as this of a member called to account and punished for a fiery or passionate word, were peculiar to the Long Parliament: how justly the reader sees.

entertained it, or whether at all, does not appear. It does however seem that the duke himself did not immediately reject it. The events of the three preceding days had been so unexpected, the tone taken so unusual, the prospect opened so fraught with undefined and scarcely definable danger, that a bolder man might have paused at the issues raised; and, observing that the house had not hesitated at this moment to make prisoner of one of his agents and friends, might with reason, as Eliot remarks, “think it necessary, even for *him*, to reflect more sensibly on himselfe, and by his neighbour’s fire to thinke his house in danger. Certainlie all his adherents tould him it was an approach upon his sattie.’

Eliot adds an outline of the proposal and of its fate. “The advice he had was, much to indeavour an accomodation wth the parliament. The errors most insisted on, were said to be excusable, if retracted. That the disorders of the navie might be imputed to the officers. That the want of counsellis might be satisfied by a free admission to the board. The greatest difficultie was conceav’d to rest in religion and the fleet: for the first, the jelse being derived from his protection given to Montagu; for the latter, that it had foe unnecessarie a preparation and expense. And yet in both that ther might be a reconciliation for himselfe. Sending the fleet to sea, and giving others the command, was propounded as a remedie for the one: having these reasons to support it, that the designe could not be knowne, nor, if ther wanted one, that judg’d by the success; and the success was answearable but by those that had the action. For the other it was said, that the leaving of Montagu to his punishment, and the wthdrawinge all protection, would be a satisfaction for the present; wth some publick declaration in the pointe, and a faire parting of that meeting, facilitating the waie to a future temper for agreement.

“ Though noe deniall could be lookt for in the resolutions
“ of the parliament, the fleet must needs goe forth to
“ color the preparation, and the returne might yeelde
“ something to justifie the worke; at least in excuse and
“ apologie for himselfe, by translation of the faulte.
“ Those and the like counsellors were presented to the
“ D, and wrought an inclination for the instante that
“ gave his freinds some hope. But those that were
“ about him gave it an alteration in the cabanet. Soe
“ unhappie are great persons, to be obnoxious to ill
“ counsellors; and come by everie aer of flatterie to be
“ moveable, not having constancie in themselves. Of w^{ch}
“ the D was a full character and instance; and being
“ uncertaine to his counsellors prov’d unfaithfull to him-
“ selfe. He had once determined to be guided by his
“ friends, but his parasites were more powerfull;* w^{ch}
“ then increas’d his troubles, and after prov’d his
“ ruine.”

The parasites had a plan of their own. There should be another field-day in Christchurch-hall: the king not to be present, but the duke to play the part with the lord keeper in waiting upon him, the principal secretary of state for subordinate points, the lord treasurer for finance, and the well-known “old artist”† for any emergency. Honourable members hitherto had confined all the eloquent speaking to themselves, but now his grace in turn would display a little eloquence and skill, and shoot some arrows of his own. None of them were like to miss the mark, but there was one that was sure to strike home. “To wh^{ch} end,” says Eliot, “was hastily prepared (for all things were readie “at his beck) the king’s answear to the petition for

* Sir Simonds D’Ewes, in a passage of his *Autobiography* which will hereafter be quoted, reports what Sir Robert Cotton had told him of Buckingham’s habit of lending his ear to sycophants and flatterers against the counsel of wiser friends, in almost the exact terms here employed by Eliot.

† Sir John Cooke, see *ante*, 301, 348; and *post*, 430.

“ religion, then to be presented by his hands, as the
 “ influence of his labor ; robbing his master both of the
 “ honor and the worke.” That the house should make
 further stand after a triumphant effort of this sort ; that
 it should be able any longer to keep its “ harbor’d
 “ jelosies” together ; or have sense enough to see through
 the comedy artfully and pleasantly played before
 them ; was not supposed possible. “ Soe ignorant
 “ are such parasites,” continues Eliot, “ in the knowledge
 “ of great councells, that what in their weake judgments
 “ does seeme probable, they thinke feafable wth others ;
 “ like conies having scarce a shadow for their ears, who
 “ take all their bodies to be cover’d.” * So it was settled,
 therefore ; and the duke and his friends, being all of
 them in this highly exposed condition, were to carry
 both houses by an unexpected and invisible manœuvre,
 at the performance to be presented on the next day of
 meeting.

Scarce were they met accordingly, the commons in
 the divinity school and the lords in the gallery above, at
 eight o’clock in the morning of Monday the 8th of
 August,—Wentworth and Fairfax having carried York-
 shire at the new election, had entered and taken their
 seats ; and there had just been time for Mr. Clarke, the
 delinquent at the previous sitting and most devoted
 of Buckingham’s followers, upon his knees at the
 bar and by humblest apology to make atone-
 ment for his offence and crave his release from
 custody, which thereon was accorded him,—when, says
 Eliot, “ a message was pretended from the king for a
 “ meeting of both houses. The occasion intimated was
 “ some generall declaration from his majestie, wh^{ch} being
 “ to be delivered by the duke, the lord treasurer, the
 “ Lo. Conway, and Sir John Cooke, it was desir’d

* “ And soe is their whole time vers’t,” he adds, “ in the corrupt scene
 “ of flatterie, that in the end they practise it on themselves.”

“ both of the lords and commons respectively in their
 “ places, that their members might have license for that
 “ service: the former exception * having beene an in-
 “ struction in that pointe. The place appointed was
 “ Christchurch-hall; wh^{ch} being accepted, and leave
 “ given as was desir’d, but to the commons mem-
 “ bers onlie as king’s servants, all other thinges
 “ were left, and everie man addrest him to the
 “ place. Some doubt there was for forme upon
 “ the message to the commons, it making mention of
 “ both houses; and in that case the Speaker must have
 “ gone, and his mace been borne before him. But it
 “ being resolv’d that the committee onlie were intended,
 “ that ceremonie was left.”

The lords and commons by committees being thus brought together, Eliot tells us of some that were present smiling to see his reverence the lord keeper become usher to his grace the duke. In their relations at the time, it was doubtless a mortification; but the bishop might console himself by thinking that he had secretly blown the coals to some effect against the duke, though with the burning of his own fingers, and even the shabby part at present assigned to him he could gloze over with a show of dignity.† After informing the committees that the duke was about to deliver to them his majesty’s answer in the matter of religion, and some other things of special importance, he added that “ this he was, *by the king’s command*, to intimat. Wh^{ch},” Eliot interposes, “ some beleev’d; and noe man doubted “ of the meaninge. All men did see it studied for protection and redintegration to himself out of bitterness

* See *ante*, 348-9.

† We have already seen that Eliot, in another part of his MS (*ante* 331), speaks of the mischief Buckingham brought upon himself by this quarrel with Williams and his friends; to what desperation they were driven for preservation of themselves; what gall and vinegar they infused into the humour that was stir’d; “ and, by their privat instruments blowing the “ coales then kindled, added alsoe more fewell to the fire.”

“to follow. It was as a fomentation to an oymntment, “or like to pills that have some sweetnesse over them to “make their reception the more easie.” Everyone knew, in short, that this fresh exhibition at Christchurch was entirely got up by Buckingham and his people; that he had invented the business, dressed the actors, and with his own hand made up the nauseous pill of which that sugaring and swallowing by Williams formed the comedy’s opening scene.

Main contriver, and principal actor, the duke followed. Professing that he had neither rhetoric nor art, and therefore it fell fitly on him to speak for a king who desired to deal plainly with his people, he directed the petition for religion to be read, and then, paragraph by paragraph, intimated his majesty’s assent thereto, and that he should take means to comply with its requests. The words were very fair, says Eliot, but the speaker spoiled the effects. “Whatever might be promis’d in “the words, the act of deliverie did impeach itt; and “much of the hope and expectation in that pointe, the “forme and circumstance did obliterate.”

The duke’s next subject was the state of affairs in christendom at that moment of time, which, after declaring to be little short of a miracle when contrasted with what it was at the meeting of the last parliament, he proceeded modestly to ascribe to the counsels and resolutions he had himself “the honor and happiness” to present to that parliament. At that time the king of Spain went conquering on, and all the world deferred to him. He was master of Germany, the Palatinate, and the Valtoline. But now the Valtoline was at liberty, war raged in Italy, the king of Denmark had a considerable army, the king of Sweden was declaring himself, the princes of the Union were taking heart, and the French king, leagued with Savoy and Venice, was fighting Spain. A flourishing picture indeed, which might well have impressed the country gentlemen! But we observed

in it, says Eliot, "many things of arrogance; usurping
 "to himselfe the worke which time and providence had
 "effected, and turning fortuities into glorie. Those
 "things had noe relation to his projects but in the con-
 "currence of the time. The French preparations mov'd
 "on other reasons of their owne that embroil'd them with
 "the Spaniard. With France the duke of Savoy and
 "the Venetians had joyn'd for their owne interests and
 "safties; and it was their worke, and in contemplation
 "of themselves, by w^{ch} the Valtoline was set at libertie.
 "And if the king of Denmarke did declare, or Sweden,
 "who was then scarce heard of (*see envious was time*
 "*unto the honor of that person whom Fortune and Virtue*
 "*had reserv'd for the wonder of the world*),* yet it was
 "known to be in affection to the Palsgrav, though at
 "the instance of his friends; not induc'd by him or anie
 "opinion of his meritt, wh^{ch} moved as little wth the
 "other German princes."

Matters of complaint against himself and his majesty were next taken in detail; the duke premising that if he should give ear or credit, which he did not, to rumour, then might he speak with some confusion, but that he recovered courage and confidence when he consulted the integrity of his own heart to the king and state. His courage was greater than his confidence could have been, however, when he came to speak of the ships sent to Rochelle. He had sufficient boldness to say deliberately that the ships *would not* be employed against the huguenots,

* This is one of the passages that determine the date of Eliot's MS; proving it to have been written amid the victories and yet living fame of the Swedish hero. Gustavus fought his great battles against Tilly and Wallenstein between 1630 and 1632, and fell on the field of Lutzen on the 6th of November in the latter year, exactly three weeks before Eliot perished in his prison. "Never," exclaims D'Ewes, writing soon afterwards, "did one person's death in christendom bring so much sorrow to all true protestant hearts; not our godly Edward's the sixth of that name, nor our late heroic and inestimable prince Henry's; as did the king of Sweden's." (*Autobiography*, ii. 86.) One could have wished that Eliot might have been spared the sorrow.

but he did not venture into any detail. It was not always fit, he remarked at this point, for kings to give account of their counsels. Lookers on were to judge the thing by the event. While we heard this, says Eliot, we had "present newes from Rochelle, w^{ch} we had alwaies "aided, that our owne ships *were* intended against them, "and our owne arms to be turn'd against our freinds."

The Olivarez business* was handled in a more dashing and decisive vein. No cause had he to hate Olivarez, who, in making him popular throughout England, made him happier than all the world beside, *gaining him a nation*. He could forgive his enemies. He would leave that business asleep, which, if it should be awakened, would prove a lion to devour the author of it. He meant one of their own nation† who acted for the Spaniard. But this lofty strain was not reckoned successful, on the whole. It was flying too high for the effect desired. "The expression that he had gained a "nation," remarks Eliot, "was soe boasting and thra-sonicall, that it seem'd most ridiculous; as if nations "had beene the game and plaie of favorites, who "wonne or lost them after their fortunes or their "skills."

Nor was he more happy in other allusions, as to which it will suffice for the reader, and not be unjust to the orator, to give merely the comment accompanying them in Eliot's manuscript. "The mention of his owne "approbations and applauses, was thought too neer self-flatterie not to drowne the reputation of their truth. "Many insolencies besides were obvious that had as ill "acceptance. As that where he summ'd up the whole "business of our meetinge, pretended to be an invitation from the king, by calling it an accompt of his "owne actions. And that other stating his preparations "att his going into France, where he made, as it were, the

* See *ante*, 111, 118-119.

† Lord Bristol. See *ante*, 112.

“king his deputie in his absence to intend the progresse
“of the worke. And that intimation for his enemye at
“home, that he could prove a lion to devour him.
“And that, as rash and indiscreet, wher he rancks the
“marriage of the queen wth those he styles the unfor-
“tunat accidents of that time. All which seemed too
“infolent and presuming. And soe manie thinges were
“judg’d imperfect in his answers, that manie scruples
“more were rais’d than his indeavor had resolv’d.”

The comedy had failed, in short; nor was it possible that it could have succeeded. Everything said by Buckingham bore so vividly and exclusively the stamp of personal vain-glory, that the leaders of the commons could not have desired a completer justification of the course they had pursued. No grievance being admitted, and no faulty administration confessed, there was of course no word of remedy or redress, of guarantee or security for the future. We have spent so much money, and want so much more; here are our accounts, and there is what we have done; supply us, and you shall see what hereafter we will do for you. Such, with the addition of assurances about religion in which no man believed, was the substance of the duke’s speech, and of the accounts of expenditure with which the lord treasurer, Conway, and Cooke succeeded him, and which were carefully constructed to throw no light on what parliament had an interest in knowing.* That was what the picked men of the two houses had been brought together to listen to.

To put in contrast, however slightly, the audience and the actor, is to perceive that agreement had ceased to be

* The kind of light they did throw, and the supreme financial subtlety of the duke and his accountants, may be judged by one of the remarks made by him upon the great superiority of fitting out naval expeditions, and creating a military diversion that way, over the plan of subsidising continental allies by money payments. “By this kind of war you send no coin out of the land; you issue nothing but beef, mutton, and powder; and the kingdom is not impoverished but may make good returns.” Beef, mutton, and powder are of course mere nothing, and grow of their own accord.

possible. Among that audience were men of the first rank in England by wealth and birth, and in statesmanship and intellect having no superiors in the world. Their bitterest opponents have conceded to them the possession of the most uncommon capacity and the largest views; have described them as animated by a warm regard to liberty; and never have denied their various attainments, their aspiring genius, or their independent fortunes.* On the other hand was a man sprung to power upon "no other advantage or recommendation than the beauty and gracefulness and becomingness of his person;" † exercising it confessedly as favourite to the king, rather than as servant to the state; holding in his single person the highest offices of the realm; and assuming a right to tell these parliamentary leaders, as in substance he did, that if a parliament was to continue to sit in England, it must act with him, and follow only where he was ready to lead. It would be idle to say that Buckingham had not many fine qualities, as well as

* See Hume's *History*, Charles I. cap. i. In the same passage the philosopher, even in mistating the case, makes a very candid admission. "It was necessary to fix a choice: either to abandon entirely the privileges of the people, or to secure them by firmer and more precise barriers than the constitution had hitherto provided for them. In this dilemma, men of such aspiring geniuses and such independent fortunes could not long deliberate. . . . The end they esteemed beneficent and noble; the means, regular and constitutional." There may be some little truth also in what Hobbes says in his *Behemoth* of the parliamentary leaders, that "beginning to search the sense of the scriptures as they are in the learned languages, and consequently studying Greek and Latin, they became acquainted with the democratical principles of Aristotle and Cicero, and from the love of their eloquence fell in love with their politics."

† Clarendon, *Hist.* i. 13. "I say," he adds, "that his first introduction into favor was purely from the handsomeness of his person." And the same authority in another place tells us: "The eyes of all such as either look'd out of judgment, or gazed out of curiosity, were quickly directed towards him, as a man in the delicacy and beauty of his colour, decency and grace of his motion, the most rarely accomplished they had ever beheld; whilst some that found inconveniences in his nearness, intended by some affront to discountenance his effeminacy, till they perceived he had masked under it so terrible a courage as would safely protect all his sweetnesses." Clarendon's 'Disparity,' in *Reliq. Wott.* 194.

superb accomplishments. He had more of the splendour of ostentation than of a large or liberal generosity; but he did not care for the money he lavishly and wickedly wasted, and he had that dauntless courage which exercises an extraordinary charm when found beneath an exterior almost handsome as a woman's. He is the only instance in our history of a man arriving at the summit of power without either qualities to command or a struggle to obtain it;* and the consideration that it was literally thrust upon him, may plead for many imperfections in the use of it. But it is also in another sense decisive against his capacity. He had the defects of inordinate vanity, of a will that suffered nothing to resist its unbridled indulgence, and of a nature that could never expand or enlarge in a degree corresponding with his elevation and opportunities. The favour of kings had only lifted him out of reach of the equalities of friendship. Both Clarendon and Wotton say that he wanted friends to advise him; and this is only another form of what is said by Eliot, that he preferred to take advice from parasites rather than from better counsellors.† Hence he never got beyond the court or understood the people,

* "As if he had been born a favorite, he was supreme the first month he came to court." Clarendon's *Hist.* i. 56.

† "Delighting," Wotton himself says, "in the press and affluence of dependants and suiters, which are alwayes the burres and sometimes the briars of favourites." Parallel in *Reliq. Wott.* 183, ed. 1672. It is worth adding Clarendon's remark. "His single misfortune was (which indeed was productive of many greater) that he never made a noble and a worthy friendship with a man so near his equal, that he would frankly advise him for his honor and true interest, against the current, or rather the torrent, of his impetuous passion." *Hist.* i. 55. Sir Simonds D'Ewes has a remark (*Autobiography*, i. 388) which he tells us he derived from one with whom Eliot was always in close and friendly intercourse, and which is expressed in almost the very words employed in Eliot's memoir. Observing that nothing was so usual with Buckingham as to have taken a fair and good resolution, and then to be "presently transversed and overruled by sycophants and flatterers," he says: "I have heard Sir Robert Cotton affirm that persons of that kind, of which most were young indiscreet gentlemen, had so prevailing a power with him, as was contrary often to those safe counsels he had received from wise men of great experience."

could never truly distinguish between the frivolous and the great or assign to them their proper proportions, but remained to the last a mere king's minister. To a statesman in his place, the transition from the old to the new reign would have suggested much; but that the gentlemen of the house of commons were become more troublesome, was all it suggested to him. That the age for favourites was past, and that sort of government at an end, he could never see; and the ignorance was his doom. Unintelligible would have been to him what Eliot says to us,* of the old genius of the kingdom reawakening; and still more so to have said to him, when he spoke of gaining a nation, that he had then of himself done much to overthrow all further governing without regard to the nation. Even during this sitting of the parliament at Oxford he had received a sharp lesson; and its effect upon him had not been to show him his danger, but to put him upon another kind of exercise of his skill. He meant to have broken the house of commons before their debates began, and had as little doubt of being able to do it now that they had said their say.

Upon only one point he was driven to change his course. The destination of the fleet had been settled from the first between himself and the king; and the trick of concealing it from both council and parliament, as well as of withholding a declaration of the enemy, was but part of a planned design, having in it, as will shortly be seen, very little of the statesman and very much of the buccaneer. But though he could still keep up the show of mystery, and, as Eliot says it, with scarce a covering for his ears suppose his whole body under shadow, he dared no longer, after the questioning in parliament and the replies made, interpose further delays to the employment of the fleet in its design, whatever that

* *Ante*, 219.

might be. He told the committees therefore, that it would shortly fail, under a commander to be immediately appointed ; for to that suggestion in the otherwise unsuccessful advice of his fellow-councillors,* he had found it convenient to give way. But even this was not announced without offence. It will be remembered that upon the dissolution of the treaties in James's last parliament a council was named, responsible to commissioners of the commons that all disbursements should be in furtherance of the strict objects of the war, and required to give previous sanction to every step in the conduct of hostilities taken by the executive.† That this condition had been violated by Buckingham in reference to the expedition in hand, there was no doubt. Nevertheless, in now stating that it was immediately to fail, he made such a show of having received for it the general sanction and approval of the council of war as to elicit a most damaging denial from, and to make formidable addition to his own subsequent assailants in the person of, a member of that council who held not less high a rank than that of vice-admiral of England, and himself the most distinguished naval officer of the day, Sir Robert Mansel.

The old seaman was not indeed present in Christchurch-hall, but he was to hear on the following morning of the use of his authority and name. The afternoon was so far wasted at the close of the conference that the committees did not return to their respective houses that day. They broke up, to meet again at eight in the morning of Tuesday the 9th of August ; and in what reflections the interval was passed is described by Eliot in a few sentences, which form not the least striking page of his manuscript.

* *Ante*, 390.

† See *ante*, 158, and note. In the note I have to request the reader to make an alteration. Mr. Brodie has not "given" the examples mentioned, but only referred to them.

“ In the meane tyme those passages were revolv’d that
 “ had been deliver’d at the meeting, and divers were
 “ the apprehensions w^{ch} did followe them. That the lo:
 “ keeper, the prime officer of the kingdom, should be
 “ made subservient to the D (for soe the act imported,
 “ being but an usher to his businesse), was thought
 “ preposterous and inverted. That the king’s name
 “ must be a servant to his ends, under color of some
 “ declaration from his maj^{tie} to exhibit an apologie for
 “ himselfe, seemd as a kind of wonder. That the whole
 “ parliament should be made attendant upōn him, was not
 “ wthout a strangenesse, the like having seldom beene
 “ before. But above all portentous it was thought, that
 “ religion should be descended to his use, and that w^{ch}
 “ admitts noe equall or compeer to troope up with the
 “ rabble of his followers. This was thought much in
 “ him soe to assume and take it, but more in those that
 “ made that conceffion to his power.”

VI. THE SERIOUS AFTERPIECE.

Reports from the committees of the speeches of the previous day occupied the morning of Tuesday. This formal business done, the members were addressed in eager strain by the treasurer of the household, Sir Thomas Edmundes, who thought they could not now any longer hesitate, after so gracious an answer in the matter of religion, to think of a supply. Hesitation there was however, for none of the leaders rose to speak. But a man very famous afterwards as Serjeant Maynard, now member for Chippenham, got up to say that he did not like naval expeditions against unknown enemies, yet, if there were an open war and an enemy declared, none would more willingly give than himself, since giving was adding spurs to the sea-horse. As matters stood, he did not see how they were to give. A subsidy upon a subsidy in the same session was without a precedent,

and a subsidy in reversion they would find to be of dangerous example. Hereupon started up another lawyer, Mr. Mallet, "in haste to purchase some credit "by devotion," and in his haste employing an argument trivial enough, but having some remarkable results. He reasoned by a precedent against precedents. Precedents were at the discretion of all times, he said. That bill of tonnage and poundage they lately voted they had limited to a year, which divers ages past had been constantly for the sovereign's life. The grant that had begun it first for life was also a varying from its elders, which had been limited, and that diversely. From this he inferred change and alteration to be applicable to all times, and that the precedent of one was not the practice of another. In the case before them he would counsel them, therefore, to use the like liberty as their fathers. "W^{ch} I observe the sooner," says Eliot, "for the qualitie "of the man : * that he whose profession was the lawe, "and on w^{ch} ground he built all the good hopes he had, "should argue against precedents, w^{ch} are the tables of "the lawe ; and soe, unlawlike, terme everie act a prece- "dent, making noe difference between examples and "their rules."

Mr. Mallet had in any case made a remark not helpful to the object he had in view. Nothing was then said in reply to him, for the hour was late, and an adjournment was immediately moved ; but throughout the following day, and for what remained of the brief life of this parliament, precedent after precedent in complete array poured forth, as the armed men sprang beneath the feet of Cadmus. One might fancy that the leaders had specially assembled after Mr. Mallet's speech to produce and compare their precedents with each other, and arrange them for immediate use. Nor is it improbable

* Mallet was a man of some note in his profession, and reader at the Temple when D'Ewes was in the habit of attending. (*Autobiography*, i. 296.) He died early.

that at least two of the leaders did so. Already Eliot had been working with Sir Robert Cotton in preparation for the debate of to-morrow, and we shall see with what result.

Mr. Mallet, it will have been observed, took against the value of precedents the ground of their occasional disagreement with each other, and here he is answered sufficiently by Eliot's brief comment. To this lawyer it did not occur in those old times, as to philosophical historians since, to take the ground of denying to the seventeenth century its competence to guide itself by the acts of the fourteenth and fifteenth. Nor will plain reasoning as to this be so likely to mislead as philosophy. The very alterations of time make up the constancy as well as progress of the world. The men who, under the Richards, Henrys, and Edwards, governed England in our national assembly, not more truly, with their armed retainers at their back, represented and embodied the people in whose name they struck down favourites and shifted the crown from princes, than the knights and burgesses of the later day whom the changes of centuries had made depositaries of the same supreme power. When the third parliament met, it was estimated that the commons might have bought up the lords thrice over, "and what lord in "England would be followed," asks the writer, "by so "many freeholders as some of these are?"* Principles are not to be swamped by time or vicissitude, or we should have lost our liberties long ago. It is their nature to expand to every needful occasion; and words which at the opening of the thirteenth century dealt only with feudal relations, the freemen of the middle of the nine-

* Letter in the Brit. Mus. MS. 21st March, 1627-28. It has been printed from the Birch transcripts in the *Court and Times of Charles I.* Sanderfon in his *Life of Charles* speaks of the alleged threefold value of the estates of the commons, even then affirmed publicly, as "beyond due proportion:" a modest phrase for so violent a partizan.

teenth century acknowledge still as the charter of their freedom. Nay, from them may be drawn, even yet, additional securities; and for a future age it may be reserved to expound, and make practically useful to its entire extent, one of Selden's pithiest and most pregnant sayings: "If Magna Charta were fully executed, as it ought to be, every man would enjoy his liberty better than he doth." It is in any case very probable that he who has faith in precedents, unlike Mr. Mallet, and learns from them to study and venerate the past, will be all the more able to guide himself through present danger, and in no degree likely to act in it or judge of it more dependently. It was Philips who said to Coke, on a memorable occasion, "If there be no precedent for this, *it is time to make one!*"

The debate of Wednesday the 10th of August, an eventful day which was to settle and unsettle much, was opened by a message from the king, delivered by the chancellor of the exchequer. The councillors, taking alarm at the previous day, had thought to expedite matters by a touch of regal impatience. His majesty therefore intimated to his faithful commons, that, taking knowledge of their desires to reform many things for his service, he was well pleased with the intention, but desired them to consider that the time now was only fit for present necessities. The fleet stayed their resolution; and if the plague should fall into navy or army the action were lost, or if they should themselves be touched by the sickness they must abruptly separate. Would they, then, supply his necessity for setting forth the fleet; because otherwise he must take more care than themselves for their safeties, and do as he might in such an extremity. But if they would supply him, he promised they should meet again in winter, when he would do whatsoever belonged to a good and gracious king; and he desired them to remember that this was his first request to them.

We knew well what this meant, says Eliot; we knew it was employed because the lord admiral's conference had failed, and that its scope was to press exclusively the resolution to give, to "prevent the consideration of "grievances or matters of state, and by a deniall of "supplie to color the dissolution of parliament." But as this was discovered clearly, the more settled was the resolution, "not to denie to give, but to show first the "necessities of the kingdom, and the ill counsels for that "meeting." It was upon the instant determined, therefore, to prepare a counter-declaration or remonstrance, in all obedience and loyalty promising to afford in due time necessary supply, but claiming of right to deal with abuses and grievances, and setting forth the supreme urgency for present reforms and the reasons thereof.

The master of the wards began the debate in a "long "compos'd oration." Having been formerly public orator at Cambridge, and representing that university in the commons, Sir Robert Naunton thought it his duty on this occasion "to render some demonstration of his "skill; but found that the could rhetoricke of the "schooles was not that moving eloquence w^{ch} does affect "a parliament. His labor was more than his successe. "Passing a long preamble, he first spake of the manner "of the guift, and then made his persuasions for our "giving in what he perchance intended for a figure,* "but others conceav'd to be irregular and preposterous. "In this manner he propounded readinesse and free- "nesse; qualities, as he said, that would be a doubling to "the guift, endear the curtesie, and heighten the obli- "gation and our thanks. For a kindnesse got with "difficultie, he said, *satis esse si tali auxilio ignoscas.* "For the guift, he urg'd divers topicks to induce it: the "honor of the king, the reputation of the kingdom, "defence of their allies, support of the union, preserva-

* "Hyfterologia " Eliot writes in the margin.

“tion of religion, and the fasties of his majestie, the
“nobilitie, and themselves; w^{ch}, he concluded, if they
“prevail’d not in that case, must be esteem’d a pro-
“digious sign and omen of some great judgment neer
“at hand.”

Sir Roger North, who represented one of the Suffolk boroughs, followed in the same tone; with the addition that he professed himself to have been highly delighted by the lord admiral’s eloquence the previous day, and thought that, having proved himself to be so capable of his place, and so well-declared a logician, rhetorician, and charitable man, they really ought to abate the jealousies that were had, and give. This was a style of reasoning which another of the court speakers, Mr. Drake, the member for Lyme, improved upon by asking whether everybody would not be eager to give in case of an invasion; from which he inferred, Eliot drily adds, “that the contrarie being meant, the reason of contraries
“should persuade them. Such,” he continues, “was
“the logicke of the court. But those sophistries and
“sophisters, if they were worthie of that name, were not
“soe much answeare’d, *as confounded*, by what then
“followed.”

Philips at last addressed the house, and appears indeed to have spoken with surprising power, and a corresponding effect. Invaluable to us would have been the manuscript by Eliot, if it had preserved for us this speech alone. When formerly they had given, he began, they had hopes and expectations for the country. What had they then? Nothing but discouragements. Pardons to jesuits, protections to papists, exanition of the laws, increpation of good ministers, interruptions of trade, losses and spoils by pirates, and, notwithstanding complaints often made and means for remedy at hand, no relief gotten, no succour to be had! Was it not known, notwithstanding what so lately had been said to them, that with subsidies given for relief of the Palatinate, their

ships were now bound against Rochelle? An addition to supply, with the kingdom suffering such grievances, would be to make addition to every grievance. When last they went to their counties, it was with prayer and fasting; but after such a vote, they might take up sackcloth and ashes in their journey.

And what were the arguments for giving? The lord admiral at the conference had put them upon two heads: of honour, and of necessity. To the first he had to say, that the honour of a king stood not in acts of will, but on designs that were grounded by advice, and a constant application of good counsels. Whatever the issue was, the judgment and direction might stand unimpeded. To the necessity he replied, that it was the common argument addressed to parliaments, and experience must guide them. When had the argument been pleaded in past times with so much urgency as when employed for mere satisfaction of the courtiers? If it were real now, it was the court that made it so. Their luxuries and excesses had first wasted the treasures, and then exposed the honour of the king. Yet would he not deny to give. Only he would first have answer rendered to his majesty, with a remonstrance of their reasons for the work of reformation, to the preparation whereof a committee should be ordered; and he would have a member of their house called to speak to the design and preparations in hand. At the conference they had been told of advice taken with the council of war, and that nothing had been resolved without sanction of its members. Let Sir Robert Mansel, then, be there commanded to render his knowledge for the action towards which they were asked to give. Let him say whether it *had* proceeded by good deliberation and advice, worthy the honour of the state, and such as had been pretended.

The worthy gentleman who objected to precedents would forgive him, if he now, in support of the claim he was

making to have grievances considered before supply was granted, descended to note examples of old times, some of their own, some out of other nations. At home he found, in the days of Henry the Third, a supply demanded was refused, without a confirmation of their liberties. There was also, in a later reign, that of Henry the Sixth, a duke who engrossed the favour of the king, who assumed to himself the entire government, who disposed of honours, who alienated crown lands, and who had singly negotiated a marriage for his master; but because of those acts, he found it written in the same records, subsidies being asked for were in like manner refused, until he who before had had the applause of parliament then received their censure: whereupon, the reformation being so begun, a supply immediately followed it. The like had occurred abroad. All times, all states almost, could witness it. In France, when the Black Prince had taken the French king prisoner, the estates being then convened, and the dauphin demanding a relief for redemption of his father, the grievances of the people were exhibited, and, delay being made in redress, the assistance wished for was denied until the estates were amply satisfied. Thus also was it in Spain, when, during the war against the Moors, a parliament having been assembled at Toledo and an aid demanded for the service, the Conde de Laro stood up and dissuaded contribution in that case until the people's burdens were released. So much accordingly was insisted on; nor was it held, even by that supercilious state and nation, any breach of faith or duty. Very impressive were the words with which Philips closed his brave and manly speech.

“ England is the last monarchy that yet retains her
“ liberties. Let them not perish now. Let not posterity
“ complain that we have done for them worse than our
“ fathers did for us. Their precedents are the safest steps
“ we tread in. Let us not now forsake them, lest their
“ fortunes forsake us. Wisdom and counsel made *them*

“happy, and the like causes now will have for us the like effects.”

Sir Humphrey May rose after him. He was the only man that could hope to make any stand after the great speaker on the popular side, and having, says Eliot, “prest his whole faculties to the service, he delivered himself with much art.” He made indeed an excellent speech; of which the defect however was, that besides avoiding, as it seemed purposely, Philips’s facts and precedents, it failed of what avowedly it proposed in not even touching his argument for their worth and value. Equally wise in view it might be, and as forcible; but it did not make Philips’s view less so, and it left his examples unassailed. It was merely the reverse of the medal; and the first to say aye to the well balanced figures and sentences that formed the greater part of it, might have been Philips himself.

“Let no man,” said the chancellor of the duchy, “despise the precedents of antiquity; let no man adore them. Though they are venerable, yet they are not gods. Examples are strong arguments, being proper; but times alter, and with them, oft, their reasons. Every parliament, as each man, must be wise with his own wisdom, not his father’s. A dram of present wisdom is more precious than mountains of that which was practised in old times. Men of good affections have been known to give ill counsels. So they may now, if nothing but examples do persuade them. If we go this way, I must say, as the children of the prophets, *mors est in ollâ*. Were all our enemies here, and had their voice in this assembly, would they not say—*not give*? Let us not therefore be guided by their rules; but, leaving other things of difficulty, leaving fears, jealousies, and disgusts at home, and relying on the promise for the next meeting to reform such things, let us yield to the king’s request, and at

“ this time give ; because, if we give not now, we cannot give again.”

Eliot had been watching the turn of the debate with unusual reasons for interest. Up to this time it was doubtful whether or not he meant to speak ; and a striking proof of his familiarity and friendship with Sir Robert Cotton is afforded by what ensued. To that great scholar and antiquary the public men of this time were under priceless obligations for an unlimited freedom of access to his matchless manuscript collections.* Without him, it will not be too much to say, the struggle now beginning could not have been successfully closed. From his books and manuscripts, which formed the germ and are still the noblest part of our national

* There was hardly a man of that generation who had in hand any literary work, from Raleigh downwards, who has not left on record his thanks to Cotton for assistance he could have drawn from no other source. Wonderful is the variety of applicants, and not less so the satisfaction of each. Doctor Dee of Manchester gets help in his dealings with the worlds of spirits and sciences, as Richard Verstegan for his toils among English antiquities. Bodley gets books which he had elsewhere vainly sought for Oxford, Arundel receives manuscripts he had to no purpose hunted for abroad, and Bacon supplies himself with “ precedents and antiquities from the good Sir Robert Cotton's collections.” Bishop Bedell applies for abbey rolls, Patrick Young for Alexandrian letters, the English nuns of Cambray for books for their convent, and Selden for the Talmud of Babylon. The prodigious learning of Usher for his *Antiquities of the British Church*, and the ingenious researches of Carew for his *Survey of Cornwall*, are alike satisfied by what Cotton lends. As for Camden, Speed, and the other great workers of that time in English history, their wants are as incessant as the supply is unvarying, and in each case sufficient. A volume might be written on such services of Sir Robert Cotton to men of letters and learning. Let me add that the story to be told in it of the labour and conscientiousness with which men went about their work in those days, whatever the character of it might be, but most especially when it involved matters of fact and history, would surprisingly contrast with the idleness, carelessness, and inexactness of inquirers in later time. Mr. Hume's most flagrant misstatements could not have been made if he would have troubled himself a little oftener to leave his sofa, and mount the ladder, in the advocates' library ; and what Mr. Nicholas Harding said of his *History* when the first (Stuart) portion of it appeared, that the journals of the houses would settle his facts, is applicable still to many others as well as to him. Harding was the clerk of the house of commons of whom Horace Walpole said that he had the history of England at the ends of his parliament fingers.

library, were drawn the precedents by which exclusively the commons were guided up to the achievement of the petition of right. From his small house in Palace-yard were unrolled, in gradual succession, the statutes and records that were held to be the title deeds of English freedom ; and there, for the first five years of Charles's reign, as in what Milton grandly calls a shop of war, were " anvils and hammers kept incessantly working, " to fashion out the plates and instruments of armed " justice in defence of beleagured truth." Nor to any of those gallant armourers does the good antiquary seem to have taken more kindly than to Eliot. More than twenty years difference of age, and a wider difference of temperament, made no change in the kindly and affectionate intercourse which to the last he and Cotton maintained, to which his memoirs and papers in many ways testify, and of which the incident now to be told offers an illustration of even curious interest.

At first it was Cotton's intention to speak in the debate, and with that view he had collected precedents. But, though he had taken not unimportant part in former parliaments, when his experience and learning were appealed to, he never was an attractive speaker ; and a natural hesitation in him had increased with age. " His tongue," says D'Ewes, " being unable to utter his " inward notions fast enough, it would often enforce him " to a long stuttering when he endeavoured to speak " exceeding fast." * This, helped probably by some of those scholarly misgivings which unfitted him for participation in the struggle as it grew hotter and more exciting, leading to his after-countenance of the loan and to his defeat in Westminster when he sought to represent that city in the third parliament, would seem to have determined him now not to speak ; for he certainly abandoned his original purpose and handed over to Eliot the prece-

* *Autobiography*, ii. 39.

dents he intended to have used. Eliot used them with decisive effect; and the speech in which he did so, and now first to be printed as his, is not only reported by him in his memoir, but has been found by me among other papers at Port Eliot in his own handwriting.

Strange to say, however, almost the whole substance and much of the expression of this speech have already been printed in the parliamentary histories, and in many places since reproduced, as delivered by Cotton; * a mistake probably originating in the circumstance that a draft of the speech, as originally to have been spoken by himself with matter suggested by Eliot, had been found among his papers when Charles's seizure and closing of his library broke the old man's heart, and was published by Howell in his *Cottoni Posthuma*, two years after Charles's death. Another precisely similar

* *Parl. Hist.* vi. 367-372 (ed. 1763); *Parl. Hist.* ii. 14 (ed. 1807). These histories are, for the most part, such a mass of incorrectness and confusion that without corroborative matter they are seldom reliable; and unfortunately even the *Journals* themselves, though it is generally possible to obtain out of them the drift and purpose, as well as the exact date, of any discussion they record, present such incessant blanks, and so often omit altogether the barest mention of speeches and speakers and even subjects discussed, that they are never wholly reliable. Thus the fact of their omission of Cotton's name in the debate where he was supposed to have spoken, could not have been accepted as evidence rebutting the supposition, though the presence of his name would strongly have favoured it. The Parliamentary Histories, however, besides omissions of that kind, have confused matters still more by jumbling up speeches and days of debate, repeating the same speeches from different abstracts, and making additions without discrimination from Rushworth's notes and memorials. Rushworth is never himself to be implicitly relied on until he comes to the period of his own appointment as clerk's assistant in the long parliament. As the struggle indeed went on, to the gigantic proportions it assumed on the meeting of that parliament, the leading members more often printed their own speeches, and the way became much clearer. During the period of the present memoir, closing with the third parliament's dissolution, the blanks are terrible. Eliot's manuscript memoir, in which there is hardly a great speech reported of which we have any other record at all, has in a striking way shown me this, and how much is yet to be learnt respecting these early parliaments. Happily however, in his case at least and for the purpose of this biography, by the discovery of that manuscript and of the drafts in his own hand of all the leading speeches spoken by him, those blanks will be here, I hope, to a great extent supplied.

mistake was made in that work, attributable doubtless to the same cause, by printing in it as Cotton's the argument delivered by Littleton in the third parliament, at the first conference on the liberty of the person.* But in the former case, some one finding at the same time a manuscript copy of the speech purporting to have been spoken by Eliot, was misled by Howell into a marginal indorsement of it as "not spoken but intended by Sir " John Eliot;" and the preservation of this copy in the Lansdowne MSS, so indorsed, adds to the confusion. Remarkable also are the differences to be noted in the various copies, between that which was published as Cotton's and this which is preserved as Eliot's: and impossible as it now would be either entirely to reconcile or separate the authorships of this famous parliamentary effort, it is perhaps the pleasanter duty to resolve them into one; to believe that each may have contributed to the other's share in it; to fancy that Eliot had as much taken part in Cotton's search for its records as Cotton had contributed to Eliot's masterly employment of them; and to let the speech stand, double yet inseparable, a memorial of the fast friendship of these celebrated men. Most fortunate the occasion of its delivery too, and triumphant the effect Eliot made with it. So sensible a man as Sir Humphrey May would have chosen otherwise his time for doubting the applicability of precedents, if he had known of a collection already prepared for use, more formidable than Philips's, and comparing with a more fatal exactness past punishments and present ill-deservings. Yet no sooner had he ceased speaking than they were launched upon the house, with an effect which his own depreciation of such historic examples had helped to make only the more telling.

Eliot began † by comparing the earlier with the later

* See *State Trials*, iii. 85.

† What follows is taken strictly from Eliot's memoir, which corresponds almost exactly with the detached report of the speech among his papers.

days of the preceding reign. As long as Cecil lived, he said, and statesmen who were bred by queen Elizabeth remained in James's service, the crown debts were not great; grants and commissions were less complained of; trade flourished; pensions were more few; and all things of moment were so far known to pass through advised council, that though there wanted something of the reign that was gone, yet was there much more happiness than existed now. No honours were then set to sale, and no judicial places; but the laws were executed, papists restrained and punished, and the setting up safe resort and refuge for recusants in ambassadors' houses was debarred by strict direction. Because in those days the council-table still held her ancient dignity, and no man had obtained such transcendent power as in himself to be master of all business.

Nay, continued Eliot, as with some show of apology for introducing a name not honoured, even so long as Somerset stood in grace and had the trust both of the privy seal and signet, he had at least the pride of being able to say

In the speech, however, preserved as Eliot's in the Lansdowne MSS (491, fol. 155), as well as in the copy printed in *Cottoni Posthuma*, there are some introductory sentences, which, as I have not found them in Eliot's handwriting, I prefer to place in this note. They are to this effect. That "although the constant wisdom of this house of commons did well
"and worthily appear in censuring that ill advised member the last daie
(alluding to Clarke's case, *ante*, 388) "for trenching soe farre into their
"auntiente liberties; and might encourage each worthie servant of the
"publiq there to offer freelie upp his councell & opinion; yett since their
"walles could not conceale from the eares of captious guiltie and revenge-
"full men *without*, the councell and debates *within*, he would endeavour,
"as his cleare mind was free from any psonall distast of anie one, soe to
"exposse the honest thoughtes of his harte, & discharge the best care of
"his trust, as noe pson should inflie tax his inocent and publique mind,
"except his own conscience should make him guiltie of such crimes as
"worthilie had in parliament impeached others in elder tymes. He would
"therefore wth as much breuitie as he could, sett downe howe those disorders
"had by degrees sprung upp in their owne memories; howe the wisdom
"of the best & wisest ages did of old redresse the like; and lastlie, what
"modest and dutifull course he would wish to be followed by themselves in
"that soe happie a spring of their hopefull master. For they were not to
"iudge but to p^{re}sent. The redresse was above, *ad queremoniam vulgi*."

that there had not passed, either to his friends or himself, any large grants of lands or pensions from the king. Whatever in other things his delinquencies, he could claim neither to have added to the grievances of the people by inducing monopolies, nor to have made a breach upon nobility by exposing honours to sale. That very offer which had since been taken, the lord Roper's for his barony, Somerfet refused. Nor, in those unhappy marriage treaties with Spain, did he go so far as they who followed him. Into such distrust of Gondomar had he at one time brought the king, that he to whom our Raleigh so soon was given up had been called a *juggling jack*. So stood the state when that man's misfortunes overclouded him.

What was it after then? After then, the treaties of marriage were renewed; Gondomar again received, and liked of; popery put in heart by admission of unknown conditions of connivance; the forces we had kept in the Palatinate withdrawn, upon Spanish faith and promises; their patrimony thereby lost to the king's children; more money spent in subsidies and treaties to recover that patrimony from Spain, than would have kept an army to have conquered even their Indies; our old fast friends disheartened; and our sovereign that now is, exposed to more danger than wife and weighty counsel could ever have admitted.

But what had their predecessors in that house done in like cases? Never had they ceased to insist upon relief and reparation in all such wrongs. In the time of Richard the Second, it was a capital charge in parliament against bishop Wickham that he had lost the county of Pontois by dissuading that king from a timely aid which would have saved it. In the days of Henry the Sixth, it was a capital crime in parliament objected to De la Pole that by an unaided and unwise treaty of a marriage for that king in France he had lost the duchy of Maine. In the time of Edward the Third, the procuring of impositions,

after the same were crossed in parliament, was held a heinous crime and capital; and Lyons and Latimer were punished. Well, had not the Palatinate now been lost by treaty? And by what council was it, or rather by what power independent of council, they might now ask, had authority been given to foreign agents to procure liberty for papists, to obtain pardons for priests and jesuits, and to become suitors and solicitors at every tribunal of the government to prevent all punishment of the ill affected subjects of the kingdom? "Sir," added Eliot, "there have been grants of imposition lately made, "and complained of here in this house as burdening "trade, the very least of which would aforetime have "been judged as heinous a crime as in the cases of "Lyons and Latimer."

He next took up the question of the disposal of titles for money. In the times of Edward the Third, of Henry the Fourth, and of Henry the Sixth, he said, parliaments had been suitors to the kings to bestow honours on public servants; but that which had been kept as the most sacred treasure of the state, was now commonly set to sale. At that postern, no longer the gate of honour, more had been late admitted than all the merits of their elders had let in these last five hundred years. So tender were those earlier times in the preservation of that jewel, that it was made an article in the judgment of De la Pole that he procured himself to be earl, marquis, and duke, of one and the self-same place; the like titles being unquestioned yet with us. As matter of state policy Edward the First had found it necessary to restrain even the number of those that challenged writs due by tenure; but let the disproportion at present be judged, and how far it suited with the profit of the state. Now that all of us were taught the vile price of that which once was precious and inestimable, how were great deserts in future to have recompense other than by costly rewards from the king?

Would it be said that there were still at the disposal of the state places of trust and profit? If worthy persons had of late been promoted to such, he should be glad. Was it not known to be otherwise? In the time of Edward the Second, Spencer had been condemned for displacing good servants about the king, and putting in their place his kinsmen and followers; inasmuch that, as the records of that time said, way was not left either in church or commonwealth but to such as fined * with him or his dependants. But how, if not in that same manner, were such offices now disposed?

A sad heaviness it was, that last day in Christchurch-hall, when they had related to them his majesty's great debts, high engagements, and present wants. Might the noise thereof ever be buried within those walls! What courage might it not otherwise work in their enemies! What disheartening to their friends! To those who had caused what was described that day, if any there were who had been the cause, he held the danger to be great and fearful. No small motive had it been to parliament, in the time of Henry the Third, to banish the half-brothers of the king, that they had appropriated to themselves what should have supplied the king's wants. Gaveston and Spencer, for the like, had the like fortune in the time of Edward the Second. And among other crimes for which punishment was adjudged in the second Edward's time to the father of the duke of Suffolk, Michael de la Pole, was that of having turned away from their proper ends the subsidies that were granted. So, too, for wasting in time of peace the revenues of the crown, to the yearly oppression of the people, William of Wickham, that great bishop, was put upon the mercy of his prince. The like offences were made occasion for the ruin of the last duke of Somerset. And as fearful in results to their masters and sovereigns, had

* Paid fines, that is, for favors received.

been the examples in that kind showing the abuse of ministers. Into so great a strait had such improvidences and ill counsels led Henry the Third, that in his misery he put in pawn part of his dominions; engaged as well the royal jewels as those of St. Edward's shrine at Westminster; nay, did not spare, as was said, the great crown of England itself!

The drift thus far of Eliot's precedents and examples could not be doubtful. Though Buckingham had not been named, they comprised every notorious abuse of his administration: the waste of royal lands and revenues, the abuse of grants and pensions, the sale of titles and judicial places, favor to recusants, mal-appropriation of subsidies, overriding of the authority of the council-table, assumptions of the royal authority, concentration of the highest offices in a single person, and bestowing of others unworthily on relatives, favorites, and dependants. They were in fact a complete forecast of the subjects comprised afterwards in the articles of his impeachment. All these things, however, known and generally denounced as they were, wanted something of the sharp precision and fatal exactness with which Eliot proceeded now to push his parallel to the very verge of that Oxford meeting; using sarcastically phrases by which Buckingham had provoked laughter at the Christchurch comedy; and, by an incident brought vividly back through the waste of two hundred years, recalling the very shame and wrong they had all repented bitterly in their sudden break-up at Westminster. The closeness of comparison, unshrinking plainness of speech, and, all circumstances considered, the dauntless courage in these closing passages, are indeed extraordinary.

"Sir," resumed Eliot, "to draw you out to life the image of a former king's extremities, I will tell you what I have found here in Oxford since our coming to this meeting. It is the story of what was suffered

“ here by Henry the Sixth,* writ by a learned man
 “ named Gascoigne, twice vice-chancellor of this place, a
 “ man who witnessed the tragedy of De la Pole. So rent
 “ away by ill council were the royal revenues, he tells
 “ you, that the king was enforced to live *de tallagis et*
 “ *quindenis populi* ; that he was grown in debt more than
 “ half a million ; that his powerful favorite, in treat-
 “ ing of a foreign marriage, had not *gained a nation*†
 “ at home, but had lost a duchy abroad ; that to work his
 “ ends, he had induced the king to adjourn the parlia-
 “ ment *in villis et remotis partibus regni*, where *propter*
 “ *defectum hospitij et victualium*, few could be expected
 “ to attend, and so he might enforce those few, to use the
 “ writer’s words, *concedere regi quamvis pessima*. And
 “ when an act of resumption was desired, that just and
 “ frequent way of reparation for the state (I call it fre-
 “ quent because so usually was it done that from the
 “ time of Henry the Third to Edward the Sixth all
 “ kings but one did exercise it), this powerful minister
 “ opposed it, and telling the king it was *ad dedecus regis*,
 “ so stopped it.

“ But what succeeded on the parliament taking it in
 “ hand ? The same author tells you that the commons,
 “ though wearied with travail and expenses, protested
 “ they would never grant an aid until the king should
 “ *actualiter resumere* all that was belonging to the crown ;
 “ adding that it was most to the disgrace of royalty
 “ to leave its creditors in intolerable want, and to be
 “ engrossed wholly by the council of ONE MAN who had
 “ brought such misery to the kingdom, such poverty to the
 “ king. All which good council still failed to work until
 “ by parliament that bad great man was banished, when

* Already, it will be remembered, has Eliot referred in his memoir
 (*ante*, 314) to the fact of these incidents, carrying such exact comparisons
 and disastrous omen, having occurred in a convention at Oxford.

† See *ante*, 396.

“ the act of refumption forthwith followed, and immediately the supply.

“ If we should now, Mr. Speaker, seek a parallel to this, how would it hold to us? We have heard the lord treasurer confess to us that the state revenues are all wasted and anticipated, that nothing now comes from thence for present necessity and use, that hardly anything can be looked for. Of the royal debts we know they are as excessive, if not more. We saw lately that one man’s arithmetic could not number them. Too well known, also, in the too woful and lamentable experience of late times, is what has been exacted from the people. What was lost in the Spanish match and treaties, children can speak that were not born to see it. By whom was caused the adjournment to this place, *and for what ends*, there needs no prophecy to tell us. So that, I say, in all things our reasons are the same; and the cases will hold proportion, if that our acts be answerable.”

“ Sir,” concluded Eliot, with temperate and manly reference to what had fallen from Sir Humphrey May, “ it is true that precedents are not gods, yet some veneration they require. The honour of antiquity is great, though it be not an idol; and the wisdom of examples is most proper, if it be well applied. What was fit at one time, all circumstances being like, cannot be called unfit, uncovenable with another. No threatenings nor difficulties may deter us from the service of our countries. Our fathers had not a greater trust than we. Their reasons and necessities were not more. Therefore I move with that worthy gentleman” (Philips) “ we pursue a remonstrance to the king, and in due time we shall be ready to supply him.” *

* None of these very striking closing passages are in the copy of the speech printed as Sir Robert Cotton’s, which, besides differing in the turns of expression throughout, closes its general resemblance, or identity, at the incident given from Gascoigne. I quote from the copy in the Lansdown

Of the effect produced by this great effort Eliot speaks in his memoir with a natural reserve, but yet plainly. He says that the affections of the house were so far inflamed by what he had said as to be "pitcht wholie on the imitation of their fathers, and it then appeared the esteeme of presidents did remayne, wth those that knew the true valewe of antiquitie. The cleer demonstrations that were made of the likenesse of the times gave them like reasons who had like interests and freedoms." He adds also, that while the courtiers did not relish it, they yet saw, by the way in which it had been taken, the prudence of dropping the tone in which the debate begun, and of turning from justification and defence to prayers and excuses. "In w^{ch} soft waie the chancellor of the exchequer did discourse." Adverting to what Eliot had set before them, Sir Richard Weston desired the house to remember that the disorders spoken of were not of the present king's time, but brought in under the government of his

MSS., agreeing in the main with that in the *Cottoni Posthuma*, the passages which follow that incident and close the speech. They probably represent what the speech would have been if really spoken by Sir Robert Cotton. The precedents are here, but in dry dead form; without the warmth and life infused into them by Eliot. "That was a speeding article against the bpp of Winchester & and his brother in the tyme of Ed. 3 that they had engrossed the pson of the king from his other lordes: it was not forgotten against Gaveston and the Spencers in Ed. 2 tyme: the unhappie ministers of R. 2, H. 6, and E. 6 felt the waie to their ruyne of the like error". Wee hope wee shall not complayne agayne in pliam^t of such. I am glad we have neyther iust cause nor undutifull disposicons to appoint the king a counsell to redresse those errors in pliam^t, as those of 42 H. 3. Wee doe not desire as 5 H. 5 or 29 H. 6, the remoueing from about the king of evill counsellors. Wee do not request a choise by name as 14 E. 3 3^o 5^o et 11^o R. 2, 8 H. 4, 31 H. 6; nor to sweare them in pliam^t as 35 E. 1, 9 E. 2, or 5 R. 2; nor to line them out their directions of rule as 43 H. 3 & 8 H. 6; nor desire that w^{ch} H. 3 did pvide in his 24th yeare, *se agere viā per assensum magnatum de consilio suo electorum et sine communicorum assensu nihill*. Wee onlie in loyall duetie offer upp our humble desires, that since his Mat^e hath with advised iudgment elected soe wiie religious & worthie servautes to attend him in that high ymployment, he would be pleased to advise wth them together a waie of remedie for those disasters in state, led in by long securitie and happie peace, and wth young and young counsell."

father, and such as peace and quiet had begot. That, in the king that now was, they had the virtues of his person, and the promise of his word, to assure their hope of reformation, if they would but wait till the next meeting. He did hope, therefore, that those distastes might be left off, and the remonstrance that was talked of; and that such an answer might be fitted for his majesty as the gentleness of his message and the sweetness of his nature did require. But even while the chancellor was speaking, Eliot tells us, he found by the continued temper of the house that this way would not do; whereupon, changing his design, he fixed upon the question of supply, and pressed to have a resolution on that point, aye and no. The purpose was seen at once by the country leaders, and promptly resisted. To pass the remonstrance was to keep their party firmly together to a declaration that there were grievances to redress, in which all were agreed, and to pledge no man ultimately in the matter of supply; whereas to take a division upon supply was to force opinions prematurely on a point as to which there were differences, and to offer excuse for a dissolution.

"The rocke was seene betimes," says Eliot, "and as speedilie avoided. For the negative, the wiser sort did feare; the affirmative, all generallie did abhor. Therefore in this, w^{ch} required little art or eloquence, much was said on both sides, and much contestation was upon it: wherein the new elect for Yorkshire, Sir Thomas Wentworth, by a new return then come, did soe well expresse himselfe for his countrie, as it desir'd that choice, and alliaied much of the labour to the contrarie." Eliot means that the satisfaction now given to Wentworth's constituents by his opposition to supply, strengthened him in Yorkshire against factious opposition. Of the speech, he reports nothing further: but the brief note in the journals* restricts it wholly to the money

* Commons Journals, i. 812; and see *ante*, 285, note.

question. In his judgment, Wentworth said, that parliament was not bound by the engagement of any former one. The pressing of such a precedent therefore for so small a sum (the false step made in this respect by Buckingham at starting, through Sir John Cooke,* having still survived all the effects of Weston and May to substitute a larger sum), was to take advantage of it for greater hereafter. Though he was most ready and willing to give in due time, he was altogether against present giving.

He was followed by Sir Edward Coke, who spoke strenuously against any attempt so to put the question; characterised it as *solum et malum concilium*; threw in two other precedents to those which the worthy knight (Eliot) had delivered: the degradation, for having given such sole and evil counsel against the commonwealth, of Hubert de Burgh in the eleventh of Henry the Third, and that of chief justice Segrave, in the sixteenth of that prince, for giving the like sole counsel against the commonwealth: and offered to contribute a thousand pounds out of his own estate rather than grant any second subsidy now. Sir Francis Seymour spoke in the same strain: which also had warm advocates in Sir William Spencer, Mr. Alford, Sir Guy Palmes, Sir Thomas Grantham, Mr. Wandesforde, Mr. Mallory, Sir Thomas Puckering, and Sir Thomas Hobby, all of them sitting for large and popular constituencies. Even some who were for giving, such as Sir Heneage Finch the recorder, Sir George Moore, and Sir Henry Mildmay, declared it should be done with great caution, and with a protestation never to do the like upon any necessity hereafter; and the few who were for giving absolutely, because of the answer to the petition for religion and the duke's speech in Christchurch hall, were men in some way connected with the duke, as Sir Robert Pye, Mr. Drake, Sir Walter Tich-

* See *ante*, 351, 352.

bourne, Sir Robert Crane, and Mr. Charles Price. On the other hand a distinguished lawyer of the west who represented Truro, Mr. Henry Rolle, and who by the tone he now took drew down future persecution on some of his kinsmen, not only declared against supply, but said he did so because the necessity was so great that now was the time if ever to force a redress of their grievances. Turkish pirates were laying waste their coasts, and capturing ships and men; the inhabitants of those parts were driven to great expenses for self-defence; and was that a time for laying new burdens on them? Two more speakers closed this memorable debate. One was Mr. Glanvile, "that pregnant western lawyer;" and the other Sir Robert Mansel, whose brief address, according to Eliot, if spoken earlier, would earlier have ended the discussion.

Glanvile spoke strongly for such a remonstrance as had been recommended by Philips and Eliot. He would have it referred to a committee of the whole house to prepare the same; and he would have its main purpose to be, to bring directly under their sovereign's notice the lamentable grievances of the kingdom, and to warn him, in all obedience and loyalty, against those whose interest it was to make evil and unjust report of that house. It should in no respect convey a denial of supply, but should carry express assurance that in due time a supply would be given. To force the question of at once giving or refusing, as the chancellor desired, was not parliamentary. A denial would be dishonourable to the king, and a grant with difficulty not less disadvantageable for themselves. It would take off all merit from the act, and change it to the *panis lapidosus* of the ethicks. Such questions were not to be hazarded for princes. It was not usual, until the consent was manifest, to propound them in that place. It was the prerogative of kings to call parliaments at their pleasure; but in counterpoise of that, their ancestors had erected the privilege for

themselves to treat of what business they should please. It was prejudice to that liberty to force upon them the question raised; and the importunity used therein, he held to be an implicit confession of error in having so suddenly compelled them to come together in that city. Was it reasonable that the parliament should spend, as by computation it did always, seven thousand pounds a-day, and this but for the grant of forty thousand pounds in all? By crowning such counsels with success, they would give encouragement to their adversaries.

Sir Robert Mansel at last arose. Having been named by the lord admiral as a party to the naval preparation, and having been appealed to by a worthy gentleman, he had now utterly to disclaim all knowledge of the action, or any consultation had upon it. There had been some meetings of the council of war which he had attended as a member, and some propositions were spoken of for the navy, but no design or enterprise had been stated, and there could not therefore have been any counsel or advice. He would not, he said, have the matter of supply put to question. There ought to be but one negative voice.*

The effect of this, Eliot tells us, was decisive. "Upon this, all color was remov'd from those that fought the question. Noe such question could seeme proper, where ther was noe reason for supplie. The sup-

* A letter of the time (S. P. O. MS. Dom. Cor. 11th August, 1625) states the substance of Mansel's speech in stronger terms than are ascribed to the distinguished seaman by Eliot. He says that Sir Robert declared all things done in the naval preparation had been badly done, and that, in regard to what was in hand at the time, he not only offered to prove it was not well counselled, but hazarded the prediction that it was not like to prosper. It may be worth adding the testimony, from another unpublished letter, to the absence of all violence of expression from the settled resolve that characterized these great debates. Six weeks later, one of the royalist members, Sir John Paul, wrote to secretary Conway of "the *great calmness* with which the subject of supply was discussed in the Oxford parliament." S. P. O. (MS.) 24th October, 1625.

“ plie could not be preff’d for in an action wthout
 “ counfel: w^{ch} being in doubt before, but now in full
 “ credit and beliefe, that long debate concluded for a
 “ Remonfrance to the king.”*

It was very late when the commons left the divinity school, and warnings of a storm in more than one direction on the morrow were already lowering on both court and country party. Mansel’s few brief words had hurried on suddenly the crisis for both.

VII. LAST SCENE BUT ONE.

Soon after the houses broke up, a council was held at which the king was present, and an immediate dissolution was proposed. The lord keeper and his moderate allies resisted it. The duke professed himself indifferent; but since the object of a continued sitting was to make attempt upon himself, he would rather the sitting went on. By this, says Eliot, he only more deeply engaged the king; so that all the efforts of the other party, led by Williams, were powerless. “ Againe with much earnestness he declar’d
 “ himself, and wth manie reasons indeavor’d to dissuade; but
 “ his power was found too weake in contestation for the
 “ others. The faction of the D’s partie did prevaile;
 “ not that it spake more trulie, but more pleasantlie.
 “ Soe indeede was the scean contriv’d, that the D
 “ himselfe seem’d a suitor for the contrarie, and on his
 “ knees did deprecate that w^{ch} he most desir’d! But the

* The *Journals* (i. 814) state the result to have been the appointment of a committee of the whole house to consider next morning of an answer to his majesty’s message; and the editors of the *Parliamentary History* after copying this go on to say (vi. 402). that “ notwithstanding yesterday’s resolution, we find no mention of the message in the next day’s proceedings.” The *Journals* had misled them, as they too frequently do. The only proposed answer to the message was the remonstrance, and Eliot describes correctly the result of the debate. All that remained was, that in a committee of the whole house the terms of the remonstrance should be settled, and order made for its presentation to the king.

“ resolution was immoveable in the king ; and, as none
 “ doubted, *soe practis’d by the other.** Upon wth the
 “ opinion of the keeper was rejected, and, not longe
 “ after that, himselfe.”

Before the council broke up, however, the king made so far a show of himself giving way to the duke’s pretended importunity, as not to oppose a *locus penitentiae* for the commons ; but at all risks interruption was to be made to the remonstrance, which on no account was to be presented or even drawn up. With this view, a reply to Mansel was to be attempted, and a new message offered for supply ; this unpromising duty being divided between Buckingham’s two most devoted adherents, Sir John Cooke to take supply, and the solicitor general to answer Mansel. Meantime the commission for dissolution was to be got ready, so that on the instant, if the commons showed no sign of yielding, it was to be put into effect.

While this council was in progress, the country party were holding one of their own. They were met, says Eliot, to consider the terms of their remonstrance ; when new complaints came upon them with so much urgency, of the spoils and insolences of the pirates, and of divers cruelties † that were suffered by the captives they had taken, that this, coupled with that extraordinary disclosure by Sir Robert Mansel directly contradicting the

* So *contrived*, we should now say.

† The MSS. in the S. P. O. fully corroborate all this, and the descriptions in Eliot’s memoir, *ante*, 316–18. (Dom. Cor. 6th, 11th, and 12th August, 1625.) There is a petition sent up by judge Hutton from the Devon grand jury, upon the unprotected state of their coast, dwelling upon the lamentable outcries heard along the shore from the wives of those captured, and upon the “ strange tortures ” reported to be practised such as would “ move any Christian heart.” Accompanying and reinforcing which complaints, there is a letter from the mayor of Plymouth stating that within the past twelve months, besides ships, a thousand English seamen had been captured ; and laying “ to the fault of the lord admiral ” the so sudden increase of piracy on that coast, along which, even while he wrote, a fleet of pirates “ 26 or 27 sail strong ” were sweeping uncontrolled.

duke's averments, turned the feeling more strongly than ever against the lord admiral, whom it was then proposed to introduce into the remonstrance by name. "The Turks were still roving in the west, the Dutch in the east, the cries came out of all parts. Their losses great, their dangers more, their fears exceeding all. No merchant dared venture on the seas, hardly they thought themselves secure enough at land. It was alledg'd by some,* that as the king's ships were stopt from going to relieve them when it was ordered by the council, so they were then. Though ready on the coasts, or in the harbors near them, where those rogues were most infestuous, nothing might be done. Naie, in some cases it was prov'd that the merchants had been taken even in the sight of the king's ships, and that the captains, being importun'd to relieve them, refus'd their protection or assistance, and said they were denied it by the instructions which they had.† Upon which it was conceiv'd to be more than common negligence. The duke was thought faultie in that point, he being admiral, from whom the instructions were deriv'd. For that, he had the imputation of those errors *which some did then terme crimes; and thereupon, which formerly was forborne, it was resolv'd to charge him by name.*"

In this temper on either side, the house met on the morning of Thursday the 11th of August. As soon as prayers were said, petitions were handed in from the Devon grand jury, from the mayor of Plymouth, and from several western merchants complaining of the admiral on their station, Sir Francis Stewart, for suffering captures to be made before his face. The member for Hull, Mr. Lister, also enlarged on the wrongs done to trade by the Dunkirkers, and declared that the safety

* Doubtless by Eliot: see his statement, *ante*, 320-1.

† This was alleged specially, it will shortly be seen, of Sir Francis Stewart, admiral on board the *Lion* in Plymouth water.

of all the seaports had become matter of vital concern. He was seconded by Sir Francis Seymour, who spoke with much bitterness, and said that when they should resolve themselves into committee to consider the terms of the remonstrance, he had a proposal to submit to them. At this moment the king's solicitor and Sir John Cooke took their places, and the house was informed that there was another message from the king. It was very brief in terms, Eliot adds,* and merely "urg'd the 'supplie againe, to renew the former question. W^{ch} meeting as well wth wonder as opposition, that that question 'should again be stir'd which yesterdaie was resolv'd, the 'ould artist beganne his apologie."

There were two extremes, Sir John Cooke begged the house to consider, which wisdom would ever avoid. The one was *deforme obsequium*, base and unworthy; the other was *abrupta contumacia*, unpleasant and unsafe. The middle course alone was commendable, and for this had Lepidus been eulogised by Tacitus. For himself he wished that princes would desire from their subjects nothing unfit, but if they did, he would have the denial in such manner made as it should seem not to their persons but the things. It was a saying of Tiberius, that common men were ruled by profit, princes by fame; and as profit might more weigh with them, he

* The Journals and Parliamentary Histories contain no mention, even in the most general way, of this fresh attempt on the part of the king and council, as indeed of very little that gives its distinctive interest and value to Eliot's memoir and papers, so abundantly used in these pages. I have not thought it worth while, however, to indicate in passing such instances as this, fearing to weary the reader; and conscious that the most cursory comparison of my narrative with any of the histories will show sufficiently its important new facts and illustrations. Of the many remarkable speeches described, the Journals contain scarcely a mention; and even where they happen to be referred to, they are unintelligible for want of their sequence and connection, and of those explanatory circumstances by which Eliot restores to them something of their original life, by reawakening their purpose and intention. None of the speeches now to be described, by Cooke, Heath, Seymour, and Littleton, important as all of them are, and especially curious and interesting the two last, have been reported or referred to in any former work.

would that way direct his reason. Either the money already disbursed in the preparations had been well spent, or not. If well, it was no good husbandry, for want of a little to be added, to lose so much laid out: if ill, not giving would only excuse those who had misemployed their opportunities to an ill result, that would then be charged to others. In the first sense it would be unprofitable *omni modo*, and in the second *aliquo modo*, not to give; and that was the dilemma they were in. As for disputing at this time the necessity because of the manner in which it was incurred, it would be like the act of the man, who, seeing another in the mire that called to him for help, spent so much time in questioning how he came thither that before his hand was given the other was sunk past hope. A necessity there was then. That was confessed of all sides. Should not their labour then simply be, how for the present to relieve it; and what kind of necessity it was, or how incurred, might be considered of hereafter. It was not to be supposed he denied that the kingdom was in sickness, or that it did not need physick. Nay, he even liked the medicines that were spoken of; though he doubted they would be found unseasonable, if applied in those dog-days. But having his majesty's assurance, now repeated, for a new meeting and for full opportunity therein, he wished to defer it till that time; and warned them that they should not, by only opening the wound, perhaps make it more incurable.

The close of this address, Eliot adds, was less successful than its opening. That confession of the sickness of the kingdom was supposed not a will-offering, or what properly was his own, but an act of expiation for his former trespass; and therefore "more it did lose the advocate than "anie waie made advantage for his client, whose fame was "not better by that art, and the other's worse. The like "fortune," he continues, describing the solicitor general's reply to Mansel, "mett the other, who handled that

“particular of the counsell; wherein he made a long
 “narration and discourse; how the counsell” (he means
 the council of war) “had often mett, as was pretended
 “by the D; how Sir Robert Mansell did withdrawe
 “himselfe upon private reasons and distasts; how divers
 “particulars were propounded and debated by the rest,
 “and the designe in question by them all resolv’d on.
 “How the Lo. Chichester had left some papers that
 “commended it; how Sir Edward Cecill, who was ac-
 “quainted with the secrett and best could judge upon
 “it, had said it was probable, and an ould plott of the
 “prince of Orange’s. Other thinges of this nature he
 “produc’d, more coloring than conclusive. The Lo.
 “Chichester being dead, and the truth of the papers
 “being uncertaine, that wrought but little on the judg-
 “ment of the audience. Sir Edward Cecill, a com-
 “mander for the action, could not but magnifie the
 “designe; and therefore was that assertion thought as
 “invalid as the other for satisfaction in the proof.
 “Neither was thought authentick. From the rest of
 “the counsell, who were all living, and some there”
 (both Conway and Cooke were members), “there came
 “nothing. And yet, if their attestations HAD been
 “brought, such a command has greatnesse that *some men*
 “*would have doubted*, though others had beleev’d.”

Having disposed thus characteristically of Cooke and
 Heath, whose attempts, unpromising at the best, had
 not been favored by the circumstance that already, as
 we have seen, the house’s attention was fixed on more
 exciting topics connected with the proposed remon-
 strance, Eliot tells us that interest was suddenly and
 strongly reawakened at a reply made to some remarks
 by Sir Humphrey May. It was quite unexpected; and it
 was the maiden effort of the speaker, a lawyer, who had
 not before been a member of the house. For this
 reason, and because he thus “became first known for
 “his abilitie,” Eliot reports at length what he said; and

we are happily thereby made acquainted with the outset in public life of Edward afterwards Lord Littleton, now member for Carnarvon, who, after gallantly sustaining Eliot through the struggles for Buckingham's impeachment and the petition of right, consented to become recorder of London, and was afterwards solicitor general, chief justice of the pleas, and lord keeper.

It has not hitherto been supposed that Littleton took any part in state affairs until the parliament of 1626; but his biographers had overlooked the fact of his having sat in the present parliament,* and now Eliot discloses in connection with it an incident of an importance not less than its interest, since it shows us how unaffectedly and heartily, at that first fresh start in public life, he made common cause with the country leaders. With what they represented, indeed, his heart remained to the last, as his royalist friends were fain reluctantly to admit. He was not only a fine lawyer, but was popular with every one by his personal accomplishments and easy disposition; and though his was not the strong stout stuff of which patriots are made, and both with patriots and courtiers he fell into such disfavour as timid men seldom avoid in stormy times, he was regarded to the last by both parties, in spite of his defections from both, with remarkable tenderness; and had the friendliest epitaphs from Clarendon as well as from Whitelocke and Selden. Let it now be further to his honour that, as the close of his public life was celebrated by those famous men, its opening received commemoration from a man not less famous, and his first speech in parliament was reported by Sir John Eliot.

Littleton was called up by a speech from Sir Humphrey

* See Foïs's *Judges of England*, vi. 345; and Campbell's *Lives of the Chancellors*, iii. 27. On the other hand, consult Willis's *Notitia Parliamentaria*, iii. 207. The connection of Littleton's father (great-grandson to the famous author of the *Treatise on Tenures*) with North Wales, of which he was chief justice, led doubtless to his son's return for Carnarvon. The name is also written Lyttelton.

May, which had a little roused the attention of the house from "other loose arguments made to revive the question for supply" by the fact that "therin were some precedents vouch't by him that had decried them; as those of 29th and 31st Elizabeth, and 3rd James; wherein augmentations had been made to the grants then first resolv'd on, whence was inferr'd a persuasion for the like." Whereupon the member for Carnarvon arose, and with great force and directness joined issue at once with the chancellor of the duchy.

"Mr. Speaker," he began, * "The question in debate is whether to give or no; and therein my opinion is absolute, *not to give*. For which, before I declare my reasons, I will make some answer to the arguments now stated on the contrary, whereby the worth of both may more easily appear. There has been an objection made against insisting on old precedents, and that we should not make them gods; which has since in part been answered,† that they were venerable though not idols. I will however further say, that precedents are the life and rule of parliaments: no other warrant being for the parliament itself, or the authorities it pretends to, than the ancient use and practice drawn out by precedents. And should not, then, parliaments be careful to preserve that rule inviolable? to make it constant like themselves? In other courts, conflicting precedents are badges of distemper and weakness; and much more would it be if the great court of parliament,

* I may here state, what should probably have been stated earlier, that in quoting speeches from their MS originals I have generally modernised the spelling, for a reason which will be obvious. I have doubted whether I should not wisely have adopted the same plan with letters and papers also; but something of a man's idiosyncrasy may show through his spelling, which of course would not reveal itself in his speaking, and there is a kind of physiognomy in a letter. It cannot however be too strongly added, that there were hardly any rules of orthography of the most general kind at this time in universal use, and that not only did a man spell as it suited his ear or fancy, but that few adhere to a uniformity of practice in the matter, or care to be commonly consistent with themselves even as to the simplest terminations.

† By Eliot, *ante*, 421.

“ being the rectifier of others, should this way err itself.
“ If that should stray or wander by which the rest are
“ guided, who shall rectify and bring it back? But
“ even those, Sir, that speak against precedents, we shall
“ find most to magnify and endear them when they
“ think them useful to themselves. In the agitation of
“ the question before us, when reason has forsaken them,
“ how have they strained for precedents to help out
“ failing arguments!”

With his quick and ready knowledge Littleton found it easy to dispose of the chancellor's precedents. From the case in hand they were widely different, he said, and made nothing in the point. The 29th Elizabeth was only this: that after such time as the house had given to that good queen of ever famous memory one subsidy and two fifteenths, understanding by her council that she was to make great preparations for a war to resist the invincible armada in '88, by their Speaker they told her that they had gone as far for that time as they could, but if she had occasion they would shortly supply her again: whereunto she gave the answer, which he wished the councillors present might likewise have registered in their memories with the intention of representing to the king, that she would first search the bottom of her coffers before she would grieve her subjects. Where, then, was the advantage of the example which so much was stood on? Nothing then was done of what now they had been so much pressed to. It perhaps would be said there was a promise? No, nor that; but rather insinuation of the contrary. There was *a refusal* to make addition at that time; and not unlikely for the very reason of privilege. What actually was promised had reference to another time and meeting. So that the 29th Elizabeth did in no way impeach, but confirmed, the resistance they had themselves made to a subsidy upon a subsidy in the same session of parliament.

Neither did the next, the 31st of the reign, apply.

What then was added, was before the act had passed, and was made in consideration of the excessive charge laid out for defence against the Spaniard. Or rather, it was to congratulate that divine victory and deliverance. Even so, it was the first time that ever two subsidies passed at once. "And for the like sum now," exclaimed Littleton, "I wish we had the like occasion!" Next he handled the precedent of the 3rd of James, showing that the addition then was in like manner introduced; not when the act had passed, but while it still stood in the pleasure of the house. And so, he added, might some others be reckoned, not at all suiting to the case in hand, but showing what their predecessors did. His sole wish was that they might do the like.

"But, Sir," continued Littleton, "the law of necessity has been urged; and though answered, this more it shall receive. If there be such a necessity as is said, why should not his majesty be willing that *we* should now redress it? Why doth he not trust his ancient council? Ways have been propounded, and more I know would be, if that liberty were admitted us to supply this necessity and all others, and so give the king subsistence, as his predecessors had before him, to be both loved and feared. Not for four hundred years and more, in which we have light from parliaments, is there a precedent for what is now asked; and yet was there never the like necessity before? Surely, yes; there have been far greater causes than is now, but never in all that time so dealt with. There has been, however, a strange argument made * *ab utili*:

* Sir John Cooke's argument, *ut supra*, 421. The remark here occurs, which will be suggested still more forcibly by speeches of Eliot's to be hereafter given, that a speech of this kind, replying thus to previous speakers in the same debate, must have owed its preservation to a report taken down at the time, though it may doubtless have received subsequent revision. And such we know was the practice. The art of reporting was not unfamiliar to the members of these early parliaments, many of whom were in the practice of taking notes; and it adds greatly to the pleasure with which we

“ that it is profitable to give. By way of dilemma to
 “ enforce it, a worthy knight has employed the *argu-*
 “ *mentum cornutum* : that either the former monies spent
 “ in the preparation have been well laid out or not ; if
 “ well, why should we not pursue it ? and if otherwise,
 “ why should we take the fault upon ourselves by re-
 “ fusing to add a little, and thereby be disabled to call
 “ the delinquents to account ? Why, Sir, by the reason
 “ of this argument, the parliament should be bound to
 “ maintain all actions and designs ! For, either they are
 “ good or not ; and by this rule we should give the
 “ sword unto our enemies for the ruin of ourselves. As
 “ for calling of the actions of any great man in question,
 “ supposing we are told that nothing can be done without
 “ permission of the king, it behoves us to say that, if so, it
 “ may be as well done without supply as with it, it being
 “ not the manner of great princes to make merchandise
 “ of their justice.”

The subject next adverted to, was the answer to the petition for religion. Many lines had thence been drawn to the intention of that business of supply ; as if religion were the servant, *that* the mistress. Of the answer in itself he was glad as any member of the house, though sorry that to such a purpose it should be used. But who among them knew what fruit would come from it ? Nay, had they not cause to fear it, when the fact so much differed from the protestation ! Even at that very time, the pardoning of jesuits, the protection given to papists, the support and countenance to Arminians, showed more than common danger. Why should not the king be desired to execute the laws ? Henry the Fifth was a wise and potent prince, not inferior to any since the conquest ; and yet what did his subjects unto him ? In the first year of his reign they found a remissness in the execution of the laws ; upon which they

read these speeches to feel that we have such a guarantee for their perfect genuineness.

spoke plain language, and prayed him then, in parliament, to put the laws in execution better than his father had done. That, though sharp, was good and wholesome counsel, and was followed by that powerful king. If his majesty would now do likewise, he might enjoy like honor and prosperity, and be both loved at home and feared abroad.

The conclusion of Littleton's speech was extremely striking. That there is a false allegiance to the king in the unfair pressure of the subject, was put with much felicity ; and in what was said of the temptation to make voluntary and occasional grants compulsory and permanent revenue, he triumphantly anticipated and answered his own unhappy argument of later years, when, as king's solicitor, he had to defend ship-money against his old friend Mr. Hampden. " Sir, some other arguments have been also used, " as that this is the first request of the king ; that " granting it, will be an expression of our loves to him ; " and that denying it, will be a pleasing to the papists. " Well, Sir, as to the last, it carries no reason to persuade, " for the devil sometimes is consenting to good works, " though for ill ends he has. For the second, we must " so love the king as we neglect not the commonwealth ; " we must remember there is union between them which " no good subjects will divide ; we must *amare et sapere*, " not *deperire amore*, love that we may love always, not " to perish by our love ; which were not only injury to " ourselves but to the object of our love, the king. And, " Sir, for the first, it is our duty to consider what ill " effects have followed any undue pressure of the people. " Therein our stories mention nothing but tumults and " commotions, and it will be well that the councillors " should take heed of what they see around them. The " time is dead and all commerce shut up, not merely by " the sickness here at home, but by the uncared for and " unchecked piracies and robberies in distant parts. " Already the charge laid, in the two subsidies granted,

“ adds a great burden to the people ; and what more
 “ might do, we know not. But we know that if his
 “ majesty fail in his request, he at least, being wise, *is*
 “ *better to be persuaded than a multitude.* Sir, I might
 “ give other reasons, from other considerations. I might
 “ say to you that by the easiness of the subjects to supply,
 “ princes become more careless of their revenues and
 “ their outlay ; and that there is ever a doubt, in the
 “ frequent grant of subsidies, that they may turn in time
 “ and grow into revenue. What once were voluntary
 “ contributions in Naples and Spain have now become
 “ due and certain. Tonnage and poundage here with
 “ us is now become reckoned in the ordinary, which at
 “ the first was meant but for the guarding of the sea ; as
 “ indeed the acts still have it. But these things need
 “ not, when our own rules conclude us. Those rules I
 “ desire we may observe, and to pass on to the remon-
 “ strance which was ordered yesterday.”

The effect of this speech upon the fresh attempt for supply, Eliot observes, was to “ put the courtiers entirely
 “ beyond hope,” and to show them no way of safety but
 in immediate retreat. To which end, he adds, “ con-
 “ tinuall entercourse being made with intelligence to the
 “ D, the commission for dissolution of the parliament,
 “ w^{ch} was secretlie prepar’d, was forthwth delivered to
 “ the keeper, who according to the forme was to execute
 “ and discharge it.” Nevertheless such delays were neces-
 sarily interposed by a conference already appointed with
 the lords,* that another day’s sitting of the commons

* This conference, Eliot says in his MS, “ concern’d the petition
 “ upon the pardon to the jesuit” (*ante*, 331-7) “ w^{ch} the lords
 “ excus’d onlie as a work of the ambassadors : for whom ther was an order
 “ made in Rome, that none must come but wth one of those familiars to
 “ attend him, w^{ch} pressed their masters as importunately for their fellows as
 “ they had prest the king : and that the king’s answer, late deliver’d, was a
 “ securitie for the future : which they suppos’d might be as effectuell to the
 “ end as what was desired by the commons, in which however they refus’d
 “ not to concurr.” It was at this conference Philips made a remark very
 much to the point in observing that “ no popish king would, at the

could not be prevented. It was agitated and brief, but the work desired was done. The curtain was not to fall upon an unfinished piece.

VIII. CATASTROPHE AND FALLING OF THE CURTAIN.

Some distraction was wrought in our minds, says Eliot, when news was brought that afternoon that the commission for a dissolution was prepared. But it soon passed away, and those that were resolute out-numbered those that were fearful. Nor could the determination of the majority have been more decisively shewn than on the following morning of Friday the 12th of August, when, in the full knowledge that they were about to be dispersed, they met with the settled purpose first to complete and present their remonstrance.

In this, Sir Francis Seymour took the lead ; submitting the proposal of which he had given notice the previous day, and which was neither more nor less than that in the remonstrance the duke should be mentioned by name. " This first direct nomination of the D," says Eliot, " done by Sir Francis Seymour, took off all " vizards and disguises in which our discourses had been " mask't. Then in plaine termes the jelousies were exprest

" instigation of our ambassadors, release any person out of the inquisition ! " The other subject of the conference, according to Eliot, was " for some " releife for London ; w^{ch} they propounded to be done as by an ordinance of " parliament, that in soe generall a calamitie and distres, ther might be a " generall contribution made towards it. W^{ch} being reported to the com- " mons had a present confirmation and allowance : as in the former, upon " the pardon, they also rested satisfied." Referring to the *Journals* (i. 815), I find that under this ordinance ten shillings was contributed by every knight, and five by every burghers, for help to the plague-stricken poor of London ; and from the amount collected before the members separated on the last day, which was 112*l.* 10*s.* 4*d.*, may be guessed the numbers then in attendance. Some interesting notices of the plague at this date will be found at the opening of Whitelocke's *Memorials*. Among other things he says that no money now passed from hand to hand in London without first being put into a tub of water, and that it was common for whole families, " both master and mistres, children and servants," to be all swept away. (i. 5. ed. 1853.)

“w^{ch} hindered the satisfaction of the king. His nearness to his maj^{ty} was too much ; his greatness and exorbitance offensive ; his power and practise both doubted and hated. In his person was contracted the cause of all those miseries. All the expressions and examples wh^{ch} formerlie had been heard of, were then applied to him. His faults and errors were the same ; soe was desir’d his punishment ; and that, with the rest, this likewise be presented to the king.”

What in other respects the paper to be presented to the king was intended to contain, may be inferred from the speeches that suggested it ; and it was doubtless to an over anxiety to include in it as many as possible of the existing causes of discontent, that the failure of completing it as at first intended was due. But, for this, compensation was to be made at the like violent close of the following parliament, when none of those topics were forgotten ; and meantime a substitute was found. While yet members following Seymour were speaking boldly of the duke’s ill-government ; and, in reply to Edmundes and Naunton, who for a purpose of their own had occupied largely the time of the house, were insisting on the necessity that his majesty should plainly be informed, without more ado, that whoever it might be that had put king and kingdom in such hazard *must be made to answer for it* ; Mr. Glanville entered hastily, and said that they had not time to finish their remonstrance as voted. He had substituted therefore, a short protestation, which he then presented for acceptance by the house. It was immediately read. In terms scrupulously obedient and loyal, and with expressions of devoted attachment to their sovereign, it declared their purpose at the proper time, and in a parliamentary way, to discover and reform grievances and to supply the existing and all other his majesty’s just occasions and wants ; and it warned him of the danger of holding council with those who would poison his ear against them, beseeching him to believe that a

just English king could have no greater security than the true and hearty affections of the commons of England.

While yet the chairman was reading, for the house sat in committee, the knock of the black rod was heard at the door, and the Speaker rose to resume his chair and admit that royal messenger. "No, no," was the general shout; other members rose to prevent him; the protestation was put to the vote and passed; and order for its instant transmission was made. Mr. Solicitor was required to take charge of it; all the privy council who had seats were to present it; and it was "to go with all speed." It was thus hastened to the king while yet the usher of the black rod waited without undelivered of his fatal message.* Eliot thus describes it and the issue.

"It was by the penne of Mr. Glanville, who had "our thanks; and it was forthwith read, and ordered to

* The only account hitherto existing of this extraordinary scene, so exactly the forerunner of others more widely known as this unhappy reign went on, had been given by Sir Philip Warwick (*Memoires*, 13). "Being then resolved into a grand committee, and having some inkling of what was determined, when the black rod knocked at the door with his staff, *the men of the Tribunitiall spirit* (for God be thanked we have no such officers among us, though we have orators) would not let Sir Thomas Crewe take the chair to admit the king's messenger until one Mr. Glanville, an eminent lawyer, and of a warm temper, had &c. &c. Which was a wild and tumultuous essay to be made at a committee, expressing much fervour but no prudence. . . . So abruptly and tumultuously ended this first parliament." I may here put the reader on his guard against accepting Howell's *Letters* implicitly where questions of date are concerned; the contents of that delightful book having been put together "for the press" without any regard to considerations of that kind. Thus when he writes (191) to his uncle Trevor, on the 6th of August 1626, from Oxford—"I am sorry I must write to you the sad tidings of the dissolution of the parliament here, which was done suddenly. Sir John Eliot was in the heat of a high speech against the D. of Buckingham, when the usher of the Black Rod knock'd at the door and signify'd the king's pleasure, which struck a kind of consternation in all the house"—the letter is an evident compilation from one or two letters of widely different dates, and the main incident refers rather to the second parliament, dissolved in June 1626, than to this Oxford parliament, closed as we see in August 1625.

“be presented to the king by the privie councillors
“of our house. Wth being soe agreed and done ; and
“some hurried motions, made for clearing those by
“general suffrage that were thought subject to distast
“for their expressions in that place, being rejected as un-
“necessarie, former experience having prov’d them to be
“uselesse and unprofitable ; the usher of the black rod
“was *then* admitted with the fatall message to the house.
“The speaker left his chaire ; and being attended by the
“rest, went presentlie to the lords, where the commission
“was then read, and soe dissolv’d that parliament.”

An interesting passage follows this in Eliot’s manuscript. He says that the reasons of state, and all considerations of good policy, were so strongly against the step thus taken by the court, that it was supposed even the duke’s influence might have failed finally to carry it but for a notable project which had then first been conceived, to make ineligible for seats, in case another parliament were found unavoidable, the most active of the commons, “by charging them wth imployments that might
“make them incapable of the parliament: presuming
“thereby others would be deterr’d, and the whole
“ability of that house extracted wth those persons: soe
“as noe man should remayne of knowledg or affection
“to contest them.” A design afterwards put in force, we shall see, with no good results to its authors ; as indeed the way in which Eliot speaks of it shows that no such result was possible. There is not merely a quiet scorn in his expressions ; but there is that feeling underlying them which accounts for so much of the greatness of this time, and of which with a manly modesty Eliot knows that he but shares in common with men around him. It is the feeling unobtrusive of self ; subordinating ever the lower to the higher motive, in public as in private exertion ; and putting always first the work to be done, never doubting to find men fit to do it.

“Soe shallowe are these rivalets of the court, that

“ they thinke all wifdome like their murmure. King-
 “ domes they will meafure by the analogie of their rules.
 “ But in this they deceave themselves, as, in all other
 “ things, the world. And as they judge of kingdomes,
 “ kingdomes may judge of them. Great is the varietie
 “ in a kingdome, both of knowledg and abilitie. Great
 “ is the varietie of perfons, and of their studies and
 “ exercifes to acquire and attaine. The formes of wis-
 “ dome are as various as are men’s. As one is bould
 “ and active, another will be cautious and reserv’d. This
 “ plotts, that speakes, a third judges and discernes. And
 “ in all these some are excellent, *yet appeare not while*
 “ *their workes are done by others; but are content and*
 “ *happie to be shadow’d in themselves*, all difficulties
 “ being declined, dangers prevented, and their desires
 “ made good. Yet againft all, when neceffitie fhall
 “ require, they will, and are readie to, stand forth. Soe
 “ did it prove in this.”

Upon the immediate effects of the diffolution as well beyond as within the court, Eliot makes also some remark. It gave real fatisfaction to none. The courtiers were too much afraid of the future to enjoy the temporary relief; and the commonalty underwent fuch sudden alteration and great change, from extremity to extremity, in regard to Buckingham, that the profpect feemed full of danger to “ myndes well compofed.”* The naval preparations, too, left without apparent fupport, were a fource of univerfal anxiety and apprehenfion; no man not in the fecrets of the court knowing

* “ The great hope they ” (the people) “ had conceav’d, to be wither’d in
 “ the fpring, caft a blacke face of forrowe over their whole affections. This
 “ to be done by him from whom the contrarie was expected, added to that
 “ an anger. Divided between thefe, their thoughts and times were fpent.
 “ All men poffeff their neighbours that that meeting was the duke’s. That
 “ he, to color the follie of his enterprifes, had practis’d to entitle them to
 “ the parliament. That upon the parliament discovering his practice and
 “ corruption, to fecure himfelf therein he had raif’d a jealousie in the king,
 “ by w^{ch} that breach was made. This was belev’d of all.” *Eliot MS.*

the design, and all men, the courtiers in especial, being fearful of the issue. *

Amid such dissatisfaction and foreboding, this opening parliament of the reign, in little more than six weeks after its first joyous meeting at Westminster, came to a close at Oxford. An abrupt and ungracious close it is called by Clarendon, who cannot but "let himself loose" † to say, that no man could show him a source from whence the waters of bitterness since tasted so abundantly had more probably flowed, than from such unseasonable, unskilful, and precipitate dissolutions. Laud in his diary is content to mention what had happened without other addition than that presently after the parliament began at Oxford a great assault was made against the Duke of Buckingham. Even Mr. Drake, cousin and friend to Bagg, writing to that worthy to regret that he was not at Oxford to have given his voice, describing how the great duke had been dealt withal by his enemies, and exultingly hoping that his grace will and shall bear up and triumph yet in spite of all of them, is fain to call the dissolution *an unhappiness*.

Bagg nevertheless was extremely happy, since he had now obtained some part of what he so diligently had worked for. He was vice-admiral of Cornwall, and soon to become Sir James.

* "Manie things were obnoxious to them" (the courtiers), "made them even obnoxious to themselves. The present preparation of the fleet, and the eye the world had on it, w^{ch} could not be prevented or declin'd; the future expectation of a parliament, and the satisfaction to be given it both for the fleet and them; were a terror in their hearts, running through all their motions. For, as they were conscious to themselves of the publick injuries they had done, w^{ch} they heard cal'd upon at that meeting and could not think would be forgotten in the next; soe they could prophesie, for the fleet, what success should follow it, judging either by their counsells or themselves." *Eliot MS.*

† *Hist of Rebell.* i. 6-8.


BOOK SEVENTH.

SECOND PARLIAMENT OF CHARLES THE FIRST.

1625-1626. ÆT. 35-36.

- I. Eliot at the Fleet's Sailing and Return.*
- II. Eve of the Conflict.*
- III. Leading the Opposition.*
- IV. The Saint Peter of Newhaven.*
- V. Eliot and the King.*
- VI. Buckingham Impeached.*
- VII. Eliot sent to the Tower.*
- VIII. The Remonstrance and the Dissolution.*

I. ELIOT AT THE FLEET'S SAILING AND RETURN.

N the dissolution of parliament Eliot returned to the west, and resumed those duties of his office which involved no direct communication with the lord admiral. He busied himself in efforts to protect the coast, as to which the means at his disposal appear to have been strengthened by what had passed on this subject in parliament. It fell to him necessarily also, as vice-admiral, to continue to press seamen for the work in hand ; and for a time he was left to the ordinary discharge of his employment, in these and other respects, undisturbed by intriguers against him.

The tone so resolutely taken in the house of commons by men of large and various influence had indeed not been without manifest effect. Though Mr. Drake wrote so confidently to Bagg, in spite of the

dissolution and its "unhappiness," of the duke's ultimate triumph over his assailants, what further he writes to that worthy from his house in the west is anything but triumphant in tone. The duke had been compelled to give pledges that something should at once be done against the pirates, and Mr. Drake hopes that Sir Francis Stewart or some others were already gone out against them. He knew of course that Sir John Eliot had left for the west on this and other matters; and he has himself hurried down there to be ready for my lord, who had promised to visit at his house on his way to Plymouth. Mr. Drake is so uneasy, notwithstanding, that he would give anything to speak to Bagg privately before my lord arrived. Especially he prays Bagg, however, reverting to what he had mentioned first, to have a good care that the ships which were to go against the Turks, "if they be nott gone, be "hastened with what speede may be, for itt standeth my "lord's honour much." The matter of the pressing of seamen, too, was very urgent; and if Sir Francis Stewart "had hard whatt was said in parlamentt, he wold have "had more care to whom he granted his commicion," for one of his fellows had abused it frightfully.* In short, Mr. Drake had evidently been more impressed than satisfied by what he heard during that Oxford sitting.

To something of the same feeling in the courtiers generally it may perhaps be attributable, that up to this time, notwithstanding the decisive and prominent part he had at length taken openly with the commons, Eliot still maintained friendly relations with Conway; whose son, Strafford's correspondent in later years, passed his Christmas holidays at Port Eliot after his return from the Cadiz expedition.

The grand object now was to get that ill-fated expedition started with all possible promptitude, the

* MS. S.P.O., 16th August, 1625. Mr. John Drake to his "worthy cosen" James Bagg Esquire, vice-admiral of Cornwall: from Ashe.

profoundest secrecy being successfully kept to the last as to its precise destination. It was for this the lord admiral was gone in person to Plymouth; and it was for this the ill-advised king now began the practice at home which brought him all his after miseries, of raising money without a parliament. He levied the tonnage and poundage duties, although he had refused assent to the bill which alone would have made them legal; and he resorted to the expedient, not without precedent but of dangerous application, of sending forth privy seals. Returns were required from the counties of such persons as were able to give, and what amount; upon which privy seals were sent to each, with order to the collectors to return the names of all who refused, or complied reluctantly. An indication of the feeling now prevailing as to Eliot in his county is afforded by the fact, that opportunity was taken of his absence on the work of his vice-admiralty to send his father-in-law one of these privy seals, levied with peculiar hardship.

At last, in little more than six weeks from the dissolution, the armament was ready and about to put forth to sea. It consisted of ninety sail, large and small ships, carrying 5,000 seamen and 10,000 soldiers, and commanded by the Sir Edward, son of Robert Cecil, of whom we shall shortly hear Eliot speak not unkindly; but who had served in the low countries with no great reputation, was unpopular with the fleet, and had had no experience at sea. Beginning here as everywhere at the wrong end, he was promoted before he sailed; and the title of Viscount Wimbledon, meant to give dignity to his command, had exactly the opposite effect. He had been left also, though with the title of lord marshal and lieutenant-general, subordinate still to Buckingham as general, much to the merriment of the fleet itself; who laughed heartily when the courtiers called one their general, and the other their generalissimo.

But Eliot himself has left a statement upon these

points which is very characteristic. In it he expresses his belief that at the last, if a fair excuse could have been set up, the expedition would hardly have gone; he says that it was "the eye the world had on it," and the statements made in parliament, which caused it to be persisted in; and he makes this very interesting addition, that the common people, believing the preparation to be more formidable than it really was, and having a hope that some vital blow was at length to be struck at Spain, had their expectations of success more highly raised than those who knew more of the arrangements were justified in feeling. It is a pregnant comment on this remark that the main charge for victualling the expedition had been entrusted to Bagg.

"As the fleet must be sett out," continues Eliot, "the D was held too pretious to be adventur'd in a voiage, whence nothing but losse and dishonor might returne. However, the commission that was granted him must stand; that what glorie could be had (as all such expeditions afford some in their entrance and beginnings), might be added to his trophies: and what the exitus might import, ther was another nam'd to ffather it, for whom likewise a commission was dispatcht of the same power and latitude; but subordinate to the other. This substitute was S^r. Edward Cecil, brother to the then Earl of Exeter, a man whom yeares and experience might have squar'd for better purposes and imploiments. His whole time and studie had been spent upon the warrs. He then retain'd, in the service of the States, the command of a regiment of ffoote. His respect with them, for the qualitie of his blood, was noe detraction to his meritt. His carriage and deportment were not ill; his presence good; his conversation full of affabilitie and courtship; and in his affections ther was doubted nothing that was corrupt. Facility was the greatest prejudice he was subject to; w^{ch} rendered him credulous and

“ open to those that were artificiall and obscure. Whereby
 “ he became expos'd, and subservient to their wills, and
 “ was drawne to tread those paths w^{ch} themselves re-
 “ fus'd to walk in. His commission stil'd him, in the
 “ prefence of the D, lo. marshall of the feild : the D,
 “ by land and sea, being appointed generall : but in
 “ his absence, it did make him generall, as himself. Upon
 “ w^{ch} ther arose an adulation in the court, that was not
 “ wthout laughter to the soldiers ; the D, for super-
 “ excellence, being term'd generalissimo in their dialect,
 “ and the other alwaies generall. Soe as *this* had at noe
 “ time lesse than was his due : *that*, as in all things else,
 “ had more.”*

On the 4th of October the fleet sailed, and on the 6th Eliot wrote from Plymouth to Lord Conway. He had been asked by Sir William Courtenay to transmit certain papers to him, and could not omit so fair an opportunity of again showing Conway the service he so much coveted to endear on all occasions, and should be ready on his commands faithfully to express. His son, he tells him, has been safely shipped, and is gone. Eliot had accompanied him to see him under sail on Wednesday morning, when, he says, part of the fleet went forth with a fair wind, the rest following them in the afternoon ; but, the wind suddenly changing, the second detachment of ships had again put back into the sound. The first, he believed, had made Falmouth harbour. He proceeds to tell Conway that admiral Nassau with his Dutch ships had arrived happily in Plymouth just in time to meet the fleet as they were going out. They had come to attend my lord duke in the Anne Royal on his setting forth for the Hague, and witnessed what Eliot calls the compliment of the duke's parting with the lord marshal, the generalissimo with the general. The “ concurrence ” altogether, Eliot tells my lord the secre-

* From the MSS. at Port Eliot.

tary, had been conceived for a prediction of good success to the undertaking ; but he has hardly written the words, when an occurrence of less favourable promise rebukes all such predictions. " At this instant," he resumes, in the few hurried sentences which close his letter, " the ships that last night came to anchor in the sound " are with the storme forc't in againe to Catwater with such " haft and fear, as divers of them have fallen fowle of one " another, and are in trouble to clear themselves, I hope " without much harme or prejudice. I am now call'd upon " to send out boats and men unto them, which makes me " hastie to that service, and a little confused in this dis- " patch. But your lordship's wisdom, I presume, will " measure the necessitie, and make it a circumstance " of my excuse for which I am now your humble suitor " and shall be ever your lordship's most devoted ser- " vant, J. Eliot."*

Amid such conflicting omens the Cadiz expedition failed. And so, directly after, sailed Buckingham for the Hague attended by Lord Holland : with a design to visit Paris, in which Richelieu baffled him ; with a purpose also to conclude, if possible, by help of the States, a general league against the house of Austria, in which he failed yet more decidedly ; and carrying with him the crown plate and jewels of England with a further plan to raise supplies upon them, as to which he failed worst of all. Nor was he allowed to set forth on these hair-brained schemes without warning of a storm gathering against him, greater than any that had driven back the ships to Catwater.

" All men say, if you go not with the fleet," wrote Thomas Lord Cromwell † to him, " you will suffer in it,

* MS. S. P. O. Eliot to " the ^{rt} honor^{ble} my verie good lord y^e lo : " Conway, principall secretarie to his ma^{tye}. Plymouth, 6^o Octobris, 1625."

† This was the fifth lord in descent from the Cromwell of Wimbledon, Harry the Eighth's Cromwell, to whom the greater Oliver was undoubtedly of kin. He obtained afterwards the earldom of Ardglass in Ireland.

"because if it prosper, it will be thought noe act of
 "yours, and if it succeed ill, they say it might have been
 "better had not you guided the king." This very candid
 lord had been promised a ship, and perhaps thought that
 a little plain speaking might, even at the last, obtain his
 wish. But whatever his motives may have been, there
 were home truths in his letter not the less valuable
 because from a quarter unexpected. Already, he pro-
 ceeded to tell the duke, men were laying wagers that of
 necessity a parliament shortly must be, and that, when-
 ever it came, it would surely much discontent his grace.
 "Let it fit when it will, begin they will with wher they
 "ended." And would his grace know the most fruitful
 source of all discontent? It was, that even the best lords of
 the council were kept in total ignorance of what was going
 on. They knew nothing of Count Mansfeldt's journey,
 they knew nothing of the destination of the great fleet,
 and not a single grave man was known to have his
 grace's ear except the good and noble Conway. There-
 fore were the best sort the most discontented, and they
 said it was a very great burden his grace took upon him,
 and that his letting no one know anything but himself,
 and not permitting others to bear part of his burden,
 might ruin him. "Which heavens forbid," the writer
 fervently adds. "Soe much I desire to see your grace
 "trample the ignorant multitude under foote, that I
 "give you this talcke of the wicked worlde, and
 "becaus I seldom am honored with your eare I thus
 "make bould with your all decerninge eye, which I
 "pray God may be inabled with power and strength daly
 "to see into them that desir your ruin." *

* MS. S.P.O. Dated from Fulham, 8th September, 1625. A copy of this letter, not very accurately printed, is in the *Cabala* and in *Rushworth*. Other passages in it are hardly less characteristic of the mixed feeling of hope and dread, of the sense of something that seemed to render unstable and uncertain an almost illimitable power, which prevailed concerning Buckingham at this particular time. The shadow of the future had begun to rest visibly over him.

Shortly after the time when Lord Cromwell was thus writing, another letter writer was putting the same facts in somewhat different form before Sir Thomas Wentworth. Describing the duke's departure for the Hague, Sir Arthur Ingram proceeded to tell how heavy his grace's hand lay upon certain great persons about the court, and that who he will advance shall be advanced, and who he doth but frown upon must be thrown down.* Describing the great officers of the kingdom who generally were his creatures, and at his command, he singled out four who were nevertheless understood to have kicked against their master, and to be at present in communication with the leaders of the late opposition in the lower house. They were the Archbishop of Canterbury, the Lord Keeper, the Lord Marshal, and the Lord Chamberlain; and Ingram wrote as if Wentworth were himself perfectly aware of such a co-operation of the leaders of the commons with these members of the upper house as already sufficed to render them an opposition likely to prove in another parliament yet more formidable.

It was quite true. The dissolution had brought men together who had not before acted in concert, and it was no longer a mere intrigue of Williams's, but a strong party combination, that Buckingham had to dread. Not that any interference from the lords could make a movement in the commons more dangerous, but that, if the prevailing rumours as to Lord Bristol were true, a movement might be expected in their own house. It was said that that lord, so long kept under shameful durance at Sherborne, had resolved at all hazards, when another opportunity should present itself, to force his case into public notice; and the matter is mentioned here because of the circumstance that Eliot's friendly relations with Conway at the time did not prevent his

* *Strafford Dispatches*, i. 28.

incessant communication with the men belonging to both houses who had grown thus impatient of Buckingham. With them, as far as possible, there is no doubt he was at present acting, and waited only the inevitable second parliament to declare with them for an impeachment of the minister. He will shortly be seen holding correspondence with some of the malcontent lords; and to him, as we have seen, even in his character of vice-admiral, had been first intrusted an incident more seriously affecting the king and his favourite, and that system of withholding state secrets from the council of which Lord Cromwell complained, than any which yet had occurred.

When Eliot next wrote to Conway, an apprehended conflict in Fowey harbour between portions of the French huguenot and of the French royalist fleets, formed the subject of his letter. Apprehensive always of any formal rupture of peace with Richelieu, he was not more anxious for the sake of Soubise himself, than for the safety of the English town and the continuance of friendly relations with France, to prevent a possible attack on the huguenots in Fowey, and the consequences to which it might lead. He craved therefore, through Conway, interference from the council with M. Mentu the royalist admiral. He presumed to interfere, he said, because of the fears of those western parts. The insolences and threatenings, one to another, that passed between the rival Frenchmen, occasioned the English along the coast great doubt how far the consequences might concern them if there were not speedy prevention. The royalists were at Falmouth, and Monsieur Soubise and his men at Fowey, where the others threatened shortly to visit them. But Fowey was a place so weak and indefensible that if they should quarrel in that harbour there could be no protection for the town, and it would have to stand exposed to all the prejudice and dangers that were like to ensue. The parties were on both sides much incensed, and preparing all the

mischiefe their ships could afford; putting themselves in order for battle, in short; so that if an encounter should follow upon their fighting each other, the western people were greatly troubled at the expectation, much feared the issue for themselves (the town of Fowey especially), and craved some remonstrance to be made thereof to his majesty. This, therefore, for the necessity and their desire, Eliot was enforced thus hastily to recommend to Conway's hands, with whose nobleness he was confident to find such acceptance and despatch as the importance might require. Enclosed with his letter went also a letter to the lord lieutenant of Devon from his deputies in the county concerning the same business, an advertisement having been received from them craving that conveyance. He should pray his lordship to give it passage; and as occasion should arise whenever his weak services might be useful, he was ready to obey the secretary of state's commands, and in all things to be his lordship's thrice humble servant, J. Eliot.*

The remonstrance thus made seems to have had its effect, for the attack apprehended did not take place. A danger nevertheless arose from another quarter, threatening hardly less evil consequence to the good understanding between England and France, and affording final justification to Eliot and his friends for their increasing hostility to Buckingham. It was the case of a French ship with a cargo of extraordinary value, seized by officers of the lord admiral under pretence of her carrying Spanish goods; her cargo made the object of plunder and extortion, in which Bagge played a conspicuous and infamous part; and the ship herself, after her release and restitution of her lading had

* MS. S. P. O. Eliot to "my verie good lorde y^e Lorde Conway, "principall secretarie to his ma^{tie} att court. Plymouth 26th November "1629." Indorsed by Conway. "S^r John Eliott advertisinge the jea-
"lousies of some violence betweene the Vice Admirall Mons^r Mentu and
"Mons^r Soubize's shippes. The apprehensions the country hath of it and
"specially Foy."

been directed not merely by order of the council but by formal decree in the admiralty court, again detained by special order of Buckingham. The circumstances led to great excitement in consequence of the sharp reprisals made by France, whereby not only were English ships seized at sea but embargo was laid on English merchant goods in French ports. There had been no such excitement connected with any maritime seizures in the west; and Eliot appears to have taken part in it with very strong resentments, arising not merely from the views he held of the evil policy of making an enemy of the French nation, but from the personal wrong done to himself by deeds committed in the name of the admiralty administration which reflected discredit upon the office he held, and made him in some degree responsible for acts done by more wicked instruments. It was in the midst of the agitation caused by this case of the *St. Peter of New-haven* that news of the great disaster came.

In the middle of October the expedition had failed. Its instructions, made known simultaneously with the failure of all the extravagant hopes built upon them, were for the destruction of ships and stores in Spanish harbours, for seizures of treasure, and for the interception of a rich convoy of Spanish merchantmen from the West Indies. In plain words, it was an attempt to fill the king's empty coffers by a piratical foray on the wealth of Spain; and hence the zealous and secret appetite with which both king and duke had at the first pursued it. But ill-manned, ill-provisioned, and ill-commanded, it failed in every point. Sailing for Cadiz bay, the shipping in that harbour might with ease have been taken; but the Spaniards were able to secrete their ships further up the harbour while time was lost at Fort Puntal, which, after the English captains had wasted their batteries upon it for four-and-twenty hours, surrendered, at the mere summons of a portion of the troops who were landed next day, without firing a gun. Wim-

bledon, landing the rest of his troops, then gave orders for the destruction of the communications with the main land which Essex had found easy in the great queen's time, and which, if the Suazzo bridge had now been as promptly struck down, would have laid Cadiz open to an effective attack. But, as Eliot afterwards bitterly described it, it was a dry and hungry march into a drunken quarter. Discovering on the way several cellars stored with wine, the troops became insubordinate, drunken, and disorderly; and Wimbledon in a fright, without either a capable man's resource or a strong man's decision, carried them headlong back to the fleet without having seen an enemy. At first he thought of retaining Puntal for better intercepting of the expected convoy, but all attempts to restore discipline were hopeless, and he re-embarked with ignominy. He then cruised about after the Spanish fleet for eighteen days; suffered it to escape him unobserved during the night; and returned to Plymouth with disease and mutiny raging on all sides around him, the officers loud in denunciation of his incompetency, and the men decimated by a sickness which they attributed to foul play and dishonesty in provisioning the ships. Hundreds of seamen and soldiers were landed in a dying state, and more than a thousand were said to have perished before the ships reached harbour. For many months to come the appalling extent of the disaster showed itself visibly in every road and town on that western coast, and above all in the streets of Plymouth.

There was an inquiry, and of course nothing was elicited. The discontents of those engaged in the business were represented chiefly by the son of that Essex who had struck such a blow at Cadiz with a far inferior force, and his complaints had begun before the expedition failed.* But as the officers preferred their charges

* Poor Wimbledon's was a hard case; for though as general he had all the responsibility for capacity or the reverse in those he commanded, Buckingham as generalissimo had made patronage of all the appointments!

against Wimbledon, he in return accused them and accused everybody, and so the idle reproach went round for months, with no result but to add to the keen mortification of the king and the favorite, by turning all men's thoughts in the one direction where alone responsibility could be fixed. Beyond question, this Cadiz expedition was the turning point of Buckingham's fortunes and of the hopes of the new reign. It rendered necessary a second parliament, when the court was weakest to resist demands that were sure to be made; and it strengthened, at a critical time, the combination that was forming against Buckingham. Here he had secretly planned everything, the arrangements were wholly his, and his was the guilt of the failure. Where was the security against future humiliations like this? A cry of shame rose on every side; and the national discontent which was soon to find eloquent expression, now first took the form of that belief into which it settled universally at last, that there was no hope for the kingdom or the king till this all-powerful and all-incapable minister should be struck down.

The ships came straggling back into Plymouth through the first three weeks of December, and on the 22nd of that month Eliot had occasion to write to Lord Conway. He had been asked to send, in his official packet for the secretary of state, a letter from Conway's son with particular charge that it should be conveyed to his father's hands. In that Eliot was happy to serve both father and son, to both of whom he felt so much engaged as to make him hold it for an honor that he should be commanded by either. In the general letters transmitted, Conway would find some return to the

"Though your grace," wrote Lord Cromwell, in the letter already quoted (*ante*, 452), "hath placed a noble gentleman in the regymēt was intended to my Lo of Essex, yet I will not despair of yo^r favor, or that you will not give me som taste of y^t as well as to any other; I will study to be a deserving creature."

commiffion they had received concerning the troops, and fome account of a fervice wherein there was much difficulty. It will be remembered that the victualling of the fhips had been entrusted to Bagg,* and Eliot now without referve proceeded to fpeak of that tranfaction. "The miferies before us," he faid, "are great; and great the complaints of wante, and illnefs of the victuall. There is now to be buried one Captain Bolles, a landfman, whoe dyed fince theire cominge in; and with much grieve expreff the occafion of his fickness to be fcarcetic, and corruption of the provifions. The fouldiers are not in better cafe. They are in greate numbers continually throwen overboard; and yefterday fell downe heere feaven in the ftreetes. The reft are moft of them weake; and unles there be a prefente fupplie of clothes, there is little hope to recover them in the contries where they lodg'd. Theis thinges I prefume to intimate to your lordfhip on whose wifdome is repof'd the greateft confidence of the countrie,† for which as my comon intereft fhall make mee your debtor, my perticular obligations doe likewise binde mee, to an admiracon of your honor and worth, wherein I am devoted your lordfhip's thrice humble fervant, J. Eliot."‡

Other correspondents of Conway were at the fame time writing to him as unreservedly. One of the fea captains engaged, Sir Thos. Love, fumm'd up his charge againft thofe who had fet forth the fleet, as having fupplied it with men fick, victuals bad, drink fcarce, and fhips leaky. Sir Michael Geere declared that the meat was not in quantity half the king's allowance, and that

* In *Yonge's Diary*, 89, will be found bitter mention of Sir James Bagg in connection with this bufinefs as "worthy the halter."

† This word, the reader will remember, was ufed always for what we fhould exprefs by "county."

‡ MS. S. P. O. Eliot to "my verie good lord the Lo: Conway, prince-pall fecretarie to his ma^{tie} att courte. From Plimouth, 22^d December, 1625."

it stank so that no dog of Paris garden would eat it. With which letter went at the same time appeals from Conway's fellow secretary, Sir John Cooke, imploring help for God's sake in procuring money. Without money they were all ruined. The advances for this miserable expedition had not been paid, and now without present means the unhappy seamen and soldiers could not be discharged. If money were not supplied, the danger would be greater than the misery and more grievous to be borne.* So pressed, Conway had no alternative. The privy seals were at this time due; and there had been a proposal, as parliament must so soon be called, to dispense with the collection. But a month's delay might be fatal, and the collectors were sent round. The people were to be heavily and lawlessly taxed for the very enterprise that was daily causing them so much bitterness and shame.

In his next letter from Plymouth, written nine days after the last, Eliot has a suit to urge in connection with those privy seals, which were everywhere promptly provoking dissatisfaction and resistance. The deputies appointed for the levy in Cornwall had shown their spleen against himself by returning his father-in-law, Mr. Gedie, for an exorbitant amount. There was no pretence of disaffection in the case. Mr. Gedie had served only the preceding year as sheriff of Cornwall, and his estate was still suffering from expenses consequent thereon. Yet he was certified for an amount of which the oppressiveness appears in the fact that it doubled the highest imposed upon some of the richest estates in Yorkshire, Sir Thomas Wentworth being taxed for twenty and Mr. Gedie for forty pounds.

"Most honor'd lord," Eliot wrote, "as your favors
"have manie waies oblig'd me, and I am your debtor,
"though in noe service able to be even with soe great a

* MS. S. P. O. These letters will be found under the respective dates of the 11th, 14th, and 30th December 1625.

“meritt, yet in assurance of the same continued nobleness by which I am ingag’d I shall now presume to kifs your hands in a suite so easie, as I hope it will in itself seeme rather fitted to curtesie than doubt. It is for the freeinge of a privie seale charg’d for fowertie pownds upon my father in law Mr. Richard Gedie, who, though he be indebted and was last year at a great expense for the publicke service on the sheriffwicke of Cornwall, out of some particular disaffections and respects of the deputies in my absence and imployments abroad in the busines of my lord admirall, was, it seemes, certified and made a reliefe for some other. The summe we value not ; and, I beseech your lordship, conceive me not for that apt to importune or underprice your honor in the trouble of soe poore a thinge. But the circumstance, which gives it another tast ; and the satisfaction of my father in law, that to me is of farr more consequence ; I desire your lordship to make my interpreters, and to receive them as my excuse. For these reasons I humbly praie your lordship’s help to give us a discharge, which to your power I know as easie as your will : either commanding it out of the office, or by an order from your lordship on the counsell table, which signified heer to the collectors will instantlie prevent it. Your wisdom can soone direct the waie, wherein, as the satisfaction of a father maie be to me of some advantage, the honor from your lordship I shall esteeme a happines of the most extent.”

It would seem hardly possible to have asked a favour with so careles and light a sense of the obligation to be involved. He will as little permit himself to doubt of the easines as of any common courtesy. He has also a suggestion to make by which Conway, pressed as he is, will be no loser. For, that he might not, he continues to say, in this seem an impediment to his majesty’s great purposes, which he should always study to advance ;

and as the taxation of Mr. Gedie himself had been made as a relief for some other ; he had in a note therewith returned a name for that supply of yet more sufficiency and fitness, belonging to one that had neither borne public endeavour or charge, and who was in estate and money rich and a usurer, which latter fact, Eliot added with sarcastic allusion to practices very prevalent in such matters, he believed had made him a passage out of the first certificate. Leaving this however to Conway, he repeats the other request, and says he shall not fail to acknowledge the honour of his dispatch therein. Since his last, he concludes, nothing new had occurred there, nor was there any intelligence from the ships in Ireland. The sickness and mortality of the troops continued still, and it was thought would breed some danger to the country. Conway's noble son was well. Eliot had had the honor, those christmas holidays, to wait on him at Port Eliot, from which they had come together to Plymouth last night to despatch some business with the commissioners for the fleet ; and he hoped they should return again that day. " I shall be happie in anie thing to serve him, and if I may finde opportunities fullie to expresse myself, your lordship shall therein see that I am your most humble servant, J. Eliot."*

But though writing thus in the tone and with the official deference which became the vice-admiral of Devon, in not unfriendly intercourse with the king's principal secretary whose son he had been entertaining at his house, Eliot was at this time not the less firmly settled in the course he had deliberately chosen, and prepared to run all its risks and dangers.

Before attending him in it, and following him to London, the discovery at Port Eliot of a letter which he addressed at this time to the bishop of Exeter will show what last was occupying his thoughts when he left his

* MS. S. P. O. Dated " Plimouth ult. December, 1625."

friends and neighbours in the west. Among his estates in the parish of St. Germans was the manor of Cuddenbeck (or as he writes it Cuttenbeake), long held on lease by his family under the bishop of Exeter, whose country seat had been there in former years in the mansion afterwards occupied as a jointure-house by the Eliots. Here Sir John had been staying before Christmas, and from it he writes to the then occupant of the fee, Valentine Cary, ex-dean of St. Paul's, who was succeeded two years later by Hall, the author of the *Satires*. Eliot was on the kindest terms with both, for both were wise and moderate men; and the present seems not to have been the only instance in which Cary had assisted him to make proper as well as popular provision for the spiritual wants of those around him.

"As I have heertofore," he now wrote, "made manie trialls of your favor, I am againe encourag'd by those effects, wherein I have beene formerlie soe much your debtor, to entreat your furtherance and help to this bearer Mr. Paige, and, in him, to me and the rest of my parish'ners, who, upon the hope and knowledge of his goodness and sufficiencie, desire to settle him heer amongst us as our minister in the roome of Mr. Dix, now plac't elsewhere, and willing at our instance to leave this cure to him. The stipend belonging to it is small, and not worthie of a scholler or able to maintaine him without helps, which have heertofore beene added by some perticulars,* and I beleieve wilbe still to a man of their affection and choise. The nomination, I thinke, is properlie in the deans and cannons of Windsor; the admission, wholie in your lordship; the recommendation indifferent to all; wherein, as I know nothing more powerfull, nothing I conceive more fitt than your lordship's breath to move it, that the whole worke

* *Individuals*, we should say.

"maie bear the character of your favor. The last
 "election was soe guided by your predecessor ; and with
 "his letters, the nomination being obtain'd from the
 "howse, a recommendation came to me in the behalf of
 "the man preferr'd, upon which I endeavored, as I shall
 "in all your lordship's commands, to give satisfaction of
 "my service. The like furtherance I desire your lord-
 "ship wilbe pleas'd to affoord now, in writing a few
 "words for this bearer to the deane, to draw from him
 "the nomination ; and letters to their ffarmer of the
 "impropriation heer, for paiment of the stipend unto
 "him. I doubt not but his abilities will render him to
 "your judgment fitt, and his carriage secure me of that
 "fear which I open'd to your lordship of some others,
 "wherein I shalbe happie of soe good a prevention,
 "and esteeme it a speciall honor to be effected by your
 "means." The closing passages of the letter have
 reference to some occurrence which beyond the fact
 stated is not known to me ; but they confirm the im-
 pression conveyed by the whole letter of Eliot's friendly
 intercourse with his diocesan. "I am sorie your lord-
 "ship has neighbor'd with soe manie dangers, and that
 "the poore cottage which I tender'd to your use, was
 "not fitt to receave you. I should have beene glad of
 "the opportunitie of some neerneys to your lordship
 "wher my attendance might have had a safe recourse,
 "which now onlie my wishes have supplied : but as
 "ther is occasion or command, I shall alwaies be
 "exprest your lordship's most affectionat servant,
 "J. ELIOT."*

We shall see hereafter what comment is afforded by
 this letter upon the position ultimately taken by its
 writer in church affairs. For the present we may hope
 that we have left him, among his tenants and parishioners,

* From the MSS. at Port Eliot. "To my Lo. B^p of Exon. Cuten-
 beake, 24^o Octobris 1625."

to the ministry of the man of their affection and choice, the good Mr. Paige; relieved by the bishop's compliance from "the fear" of having to listen to any other than pure doctrine; attached to the church by bonds which have not yet been rudely broken; and ready with such zeal and service voluntarily to raise her poorer stipends as to make them more worthy the acceptance of a scholar.

II. EVE OF THE CONFLICT.

What had continued to pass daily in Plymouth and other western ports had been receiving meanwhile a pregnant interest from what was passing in London. It had been resolved that the king should be crowned at Candlemas, and that four days later (on the 6th February, 1625-6) parliament should meet. To this end projects were on foot for defraying coronation expenses by fines of knighthood and other more obsolete and lawless expedients, and for protecting Buckingham against the parliament not only by the notable scheme already named* of disqualifying for seats as many as possible of the members of the commons known to be disaffected to him, but by disabling similar disaffection in the lords with bitter example of the severity which the king meant in future to deal forth upon that house also. On the judges presenting their usual list of sheriffs the king with his own hand erased seven names and substituted seven others: whereby Wentworth, Alford, Guy Palmes, and Fleetwood, who submitted and did not present themselves to constituencies, and Sir Edward Coke, Sir Robert Philips, and Sir Francis Seymour, who carried their elections but were not allowed to sit, were excluded from the house of commons.† At the same time he called before

* See *ante*, 443.

† "The rank weeds of parliament are rooted up," writes Sir Benjamin Rudyard (still much more of a court than an opposition man) to Sir Francis Nethercole, "so that in the next we may expect plentiful harvest!" MS. S. P. O. 23rd November 1625.

him the lord chamberlain Pembroke, and would not suffer him to leave the presence until a show of submission to the favourite had been made; he tried a like attempt, less successful, with the lord marshal Arundel, whom he afterwards, on a frivolous pretext, arrested and sent to the Tower; and taking the great seal from lord keeper Williams, he gave it to his attorney general Coventry. "I go to-morrow," wrote Sir John Suckling to Buckingham, "to the lord keeper's house to receive the great seal and be witness of the due disgrace of one who has been unthankful and unfaithful to your grace, and I pray that the like misfortune may befall all such as shall tread in his hateful path and presume to lift their heel against their maker!"* Time had not yet come for proceedings against the archbishop Abbot, but not many months elapsed before he also was suspended; and thus it was proclaimed abroad, by example of four of the highest offices in the state,† that whosoever thereafter should presume to lift his heel against Buck-

* MS. S. P. O. 4th October, 1625. In vain poor Williams protested at this time that he was "as great a stranger as any lord who served his majesty to all those disaffected persons who appeared so opposite to the royal ends in the house of commons:" in vain to the duke himself he declared that "he desired only his love, not any effect thereof in fortune or honour:" in vain he afterwards prayed the king to "mitigate the causeless displeasure of the duke:" he had thrown and lost the stake, and had to stay his plotting for the present. He resumed it soon, but with powers of mischief considerably abridged.

† Sir Arthur Ingram, in a letter to Sir Thomas Wentworth already referred to (453), had thus described, on the 7th November 1625, the origin of these extraordinary proceedings. He is writing of Buckingham. "All the great officers of the kingdom be now his creatures and at his command. He hath now brought in Sir Robert Heath to be attorney, and Mr. Sheldon to be solicitor. He was, and is possessed, *that there were four in the higher house, that upon any complaint that should come up of him to them, they with all their strength would set it forwards there.* He is likewise possessed that there was divers combined against him in the lower house. For them in the higher house, it was my lord's grace of Canterbury, my lord keeper, my lord marshal, and my lord chamberlain. *For them of the lower house he doth conceive there were many who had their conferences with those four lords and others that were depending upon them, among which you are not altogether free.*" Strafford Despatches, i. 28.

ingham, might expect the utmost personal retribution that vengeance could suggest, or power inflict. How far the lesson took effect on honest malcontents in either house will shortly be seen.

The position of Eliot, notwithstanding his still amicable relations with Buckingham's devout friend Conway, had at this time been finally taken up. Nor will it seem strange that he should have maintained such relations with the secretary of state to the very eve of his impeachment of the favourite, if we duly weigh and consider the circumstances. These I have very carefully examined with the desire only of forming a correct judgment; and I can find no pretence for ascribing the decision taken by Eliot to any motive that was not honourable. Though his personal intercourse with the lord admiral had for some time ceased, he held an office under letters patent from which, except upon proved misconduct, he could not be sequestered; and the correspondence he still continued with lord Conway after the decided line he had taken as to subsidies, and subsequently as to Buckingham himself, in the first parliament, shows that however offensive his opinions might be to the lord admiral, and however far his powers in his county might on that account have been abridged by his former patron, he had yet been left in possession of his office, and in the formal exercise of many of its powers. In the use made of his letters in the present narrative no expression has been coloured or softened, and the reader accustomed to the phraseology of the time, and remembering the official deferences in use universally, will find in those letters nothing that reveals the courtier or dependant. He will yet be careful at the same time to remember, that Eliot was a man of action thrown upon a difficult period; eager for influence in his own county; keenly sensitive to favour or neglect; with just so much experience of office on a small stage as to have developed the consciousness of powers that fitted him for a wider

theatre ; and thrust back from all access to such honourable ambition that did not open at the portals of the court. If he paused awhile before the move that was to close these for ever, who shall blame him ? If, while one of the conclave of the lower house in conference with the four disaffected lords, and fresh from those fierce debates at Oxford in which he had taken part against Buckingham, he yet wrote to Conway as with strong desire to further the purposes of the king, who shall deny him the excuses of a time that made conspiracy a duty, where ordinary men stumbled at every step, and the keenest-sighted daily lost their way ? Sir Benjamin Rudyard was still courtly and compliant, and we have just now seen him rejoicing that Philips and Seymour should be barred out of parliament as weeds that choked the harvest ; but no one questioned his honesty or patriotism when in a few months from the present time he took part in Buckingham's impeachment as one of the assistant managers. Sir Dudley Digges will shortly be with Eliot in the Tower, and soon afterwards an applicant for the reversion of the mastership of the rolls ; yet he was certainly not a man either dishonourable or dishonest, however timid he might be. Sir Robert Cotton acted warmly with Eliot and the patriots in the first parliament, and at the opening of the third he was tendering counsel to the king in language of which the obsequious forms have yet left no impression unfavourable to his uprightness and honour. Wentworth had been marked for disfavour on the same ground as Eliot, yet he, who was to be one of the leaders of the extreme opposition in the great parliament of 1628, was now founding Conway, within a fortnight from the opening of January 1626, as to the vacant presidency of the north, and was protesting that he would not move further in it till he knew also how his suit might please my lord of Buckingham, seeing that as such a seal of his gracious good opinion would comfort

him much, and make the place more acceptable, so was he resolved not to ascend one step except he might take along with him a special obligation to my lord duke, from whose bounty and goodness he not only acknowledged much already, but under the shadow and protection of whose favour he desired still to repose and rest.* Nothing like this can be alleged of Eliot. The very worst to be said of him can be said without a blush. He deliberated before he finally determined; when his decision was at length taken, to make implacable war upon the man to whom in the old time he had been indebted for favours, not only was the danger of such a course at its highest but the provocation was at its highest also; he began his bitterest attack when the king had thrown his shield over Buckingham, but not until Buckingham had left England defenceless and disgraced; and when once he had entered on the path so chosen, he held it unflinchingly and fearlessly, with a courage that heightened as the way seemed to darken, and a resolution that never blanched or faltered.

Of his own consciousness of the extent of the danger that had for some time surrounded him; of the precautions taken against it; and of the arrangements blended with these to make provision for all needful information in the way of his office; a curious illustration is afforded by a document preserved in the state paper office in the handwriting of one of Conway's secretaries, and purporting to be an "abstract of papers found in Sir John Eliot's chamber," doubtless at the time when it was searched four months from the present date. One of these is headed "Sir John Eliot's instructions to his agent," and bears date the 15th January 1625-6, the very time when Eliot was carrying his election to the second parliament.

According to this paper, which, though "abstracted" in

* MS. S.P. O. Wentworth to Conway. 20th January, 1625-6.

such suspicious circumstances, may probably be accepted as genuine, Sir John had instructed his agent to continue either at London or at court, but specially at court, to inquire for intelligence from all parts ; and, while in London, to frequent the exchange, and apply to Mr. Burlamachi and certain other merchants whose names were indicated, who would be able to furnish him with news from distant places. He was to attend the council chamber ; to obtain notice of all special and public acts, of commitments, questions, letters of direction and the like, in progress there ; to make a daily note or remembrance of them ; and when anything extraordinary was going on, either in act or preparation, he was to give Eliot speedy advertisement of it. At court he was to be similarly watchful. He was to learn diligently as well the news and passages there, as what reached the court from abroad. He was to advise Eliot of all things. He was to tell him of any alterations going on, of intendments as to public matters, of preparations of ships, of “prests” that might be ordered, of employments, of the arrivals of ambassadors ; he was to detail all reports as to a parliament, or privy seals, as to favours or disfavours ; and he was especially to collect what opinions or rumours were entertained upon the return of the fleet. For a man anxious to be armed at all points, and ready for every contingency, as having business in hand importing danger if at any moment taken unawares, these instructions put in practice formed certainly a perfect code.

Special occasions are next intimated when a conveyance was to be procured for Eliot from my lord Stanhope of London, if he were in town ; or from my lord Conway at court ; or from my lord president, as he might find most ready. He was not however too often to give trouble in those quarters. But no packet was to leave without a diary of occurrences appended thereto. The agent was to keep his daily note or remembrance in such a form—“namely, such a day such a thing happened,

“such a report was, such a change, such a despatch, or “the like”—that it might at once be filled in, sealed up, and “so annexed to the packet.”

Finally, the instructions extended to the modes of transmission in “ordinary passages,” in “extraordinaries,” and in any letters entrusted to him by friends. He was to have intelligence and a good understanding with the packet master, both at London and the court. He was to write the ordinary passages by every conveyance: Eliot being manifestly not a man who could afford to dispense with his daily or weekly paper, as the letter of news then was. In “extraordinaries” he was to use the prompter and more instant way; and the packet was always to be directed in a different hand, never in his own. Further, if at any time he trusted such letter to a general packet, it was not to be directed to Eliot but to be enclosed to “Ab. Jennens;” and, the paper concluded, “when you send yourself, acquaint my friends; “though not of the manner of your sending, yet that “you *have* conveyance if they will write.”* One might fancy such precautions fitlier taken in a court where Amurath an Amurath succeeds, “not Harry Harry.” But the proofs are elsewhere abundant, that there was now no security for correspondence; of the spy and traitor in his path, Eliot had daily experience in the Baggs, Drakes, and Davyles soon to be familiar to our page; and the fact that we owe our knowledge of this very paper to a lawless seizure by the strong hand of power, may be fairly accepted to explain its character and necessity.

* MS. S. P. O. The name of one of the merchants mentioned with Burlamachi is intimated by the letters “Ph: Ga:” and I may add that incidental evidence of the genuineness of the paper is afforded by the fact that when a question arose in the second parliament whether or not certain monies should be paid to Burlamachi, Eliot separated himself from his friends Coryton and Erle, and voted with a majority of 148 to 123 for payment to the Dutch merchant, to whose friendly service in matters of foreign intelligence this paper shows him to have been indebted. See *Commons’ Journals*, i. 867.

Another paper formed part of the same plunder by way of "abstract," which might be received perhaps with greater caution if there were really any grave imputation conveyed by it. But it amounts to nothing more than anxiety on Eliot's part to get a colonelship and deputy-lieutenancy in his county, alleged to be vacant by Sir Richard Edgecombe's death. For this he was willing to incur the obligation of applying to Lord Pembroke, with whom he was at this time in communication as to Buckingham; but was extremely unwilling, in preferring such a suit, to expose his name to the handling of the lord chamberlain's officers and dependants. He told his agent, therefore, that he had written to his kinsman Mr. James Eliot to solicit my lord chamberlain on his behalf for the place; and the agent was to go and press Mr. Eliot to all the speedy and earnest application necessary, and to tell him that if any monies were expected by those that are about my lord, Sir John would not spare for twenty or forty pounds, though he would not be seen in that himself, and would bestow upon Mr. Eliot as good a gelding as ever he owned. He further directed his agent to solicit earnestly one of my lord chamberlain's secretaries, if Mr. Eliot should happen to be absent, and to make such promises as he might think fit, all which Sir John would make good. But to the secretaries his agent was to carry it altogether as a motion of his own, on intelligence met at London, and not as coming from Sir John. The whole of which, however, being writ on a particular night in January 1625-6, is retracted the very next morning, Sir Richard Edgcombe being discovered to be not yet dead.*

The story may be fact or fiction; but at the time Eliot is so stated to have been soliciting for a place of credit in his county in the lord chamberlain's gift, it is certain

* MS. S. P. O. This paper is "abstracted" on the same sheet as the other.

that his county, of its own free gift, was ready to accord him a place of the highest honour. At the time when he believed himself to be excluded from Newport by some influence (probably the duke's,* but this is not positively known), his county, through several of its leading men, offered to bring him in knight of the shire. But for the present, having doubtless good reasons, he elected rather to be returned for his own town; and he arrived in London, once more member for the borough of St. Germans, at the end of January.

III. LEADING THE OPPOSITION.

Laud crowned the king, officiating in place of the discarded Williams, in Westminster-hall on the 2nd of February. The ceremony was according to the ancient forms, but curtailed of much of the ancient splendour; and a shadow as of the impending parliament seemed to rest upon the day. Sir Robert Cotton was in waiting, with the book of the time of Athelstan of the four evangelists in Latin, on which for many hundreds of years the English kings had sworn their coronation oaths; but his late services to the commons in way of precedents, now notorious, was remembered, and himself and his manuscript put aside. When that portion of the ceremony came at which, the king standing bareheaded before the altar, the people had to perform their part of consenting to receive him for their sovereign, they were silent till the lord marshal told them to shout. And when all was over, and the king and the duke came wearily away, a remark made half gravely and half playfully by Charles, as Buckingham would have lent him his hand, perhaps expressed what had risen in the minds of both

* "Buckingham had a foresight of the approaching parliament," says Mr. D'Israeli. "He took certain precautionary measures, and was particularly desirous of keeping out of the House his future great opponent, Sir John Eliot." *Commentaries* i. 152. Ed. 1851.

above all the pageant they had taken part in. "I have
"as much need to help you as you to assist me."*

Through his functions in the ceremony Laud had gone with a somewhat heavy heart. So pressing was the need to assist Buckingham against the storm expected, that, but a few days before the coronation, it had been resolved in council to make concessions in religious matters by way of warding off or moderating political discontents. The king had accordingly taken measures against recusants, and much incensed the French by disregard of some secret articles in the marriage treaty; while in the matter of Montagu it was decided, after anxious conference at Buckingham's, to leave him to the judgment of the houses. "Methinks," wrote Laud in his diary, after making entry of that decision on Sunday the 29th of January, "Methinks I see a cloud arising, "and threatening the church of England. God of His "mercy dissipate it!"† The prayer for the moment was perhaps thought to have been heard. That cloud did not break in this parliament. The storm for the present was to fall from another quarter.

The king was present at the opening of the houses on Monday the 6th of February, but left his new lord

* D'Ewes's *Autobiography*, i. 292-3. "I dare say," adds Sir Simonds, "he meant it plainly, yet searching brains might pick much from it."

† *Works*, iii. 180. Laud's troubles in connection with the attacks made on Buckingham are curiously shown in his *Diary*. Shortly after the dissolution at Oxford they seem to have set him dreaming of the duke and duchess in an odd fashion even for him. "Aug. 21, Sunday. "That night, in my sleep, it seemed to me that the Duke of Buckingham "came into bed to me; where he behaved himself with great kindness towards me, after that rest wherewith wearied persons are wont to solace themselves. Many also seemed to me to enter the chamber, who saw this "Not long before, I dreamed that I saw the Duchess of Buckingham, that "excellent lady, at first very much perplexed about her husband, but afterwards cheerful and rejoicing that she was freed from the fear of abortion, "so that in due time she might be again a mother." "Sept. 4, Sunday. "The night following I was very much troubled in my dreams. My "imagination ran altogether upon the Duke of Buckingham, his servants, "and family. All seemed to be out of order: that the duchess was ill, "called for her maids, and took her bed. God grant better things!" *Works*, iii. 170, 172.

keeper, Coventry, to speak for him. They were called together for but a short time, Coventry told them; his majesty hoping they would make good use of it, and appreciate his feeling in desiring to advise with them immediately after the solemn rites that had wedded him to his people. Sir Heneage Finch, who had become recorder of London when Coventry was made attorney-general, was suggested for Speaker; and though his address on the 8th, when presented, was absurd enough, the king's person rather than his prerogative was the object of the flummery. Heneage was indeed a much worthier person than the John, not his relative, who in the next parliament, in the same chair, was to make the name despicable.* He had obtained deserved reputation at the bar, and with a dignified person possessed very popular manners. He was one of the members for London.

On Friday the 10th of February the houses first met for business; and as Eliot took his seat, he missed of course some accustomed greetings. Philips, Seymour, and Coke, though pricked for sheriffs, had all been returned for their counties, and meant at first to have abandoned those seats, and tried the question with the court by obtaining others in different shires. But on Seymour offering Wentworth a borough in the west in exchange for one in the north,† the backwardness of Wentworth, who had no taste for a conflict with the prerogative "*out of*" parliament, broke down the scheme;

* John's peerage died with him. Heneage died in 1631, when Littleton succeeded to the recordership; but his son was Charles the Second's chancellor, and the name still survives in that better stock.

† "I met with Sir Francis Seymour here at Reading, who remembers his love unto you, and did it in a very hearty manner. . . . He is very desirous to be of the house, notwithstanding he is chosen sheriff. . . . He would gladly that you would favour him so much as to get him chosen for some place in the north, and he will, if it stand with your good liking, have you chosen in the west. That which induceth Sir Francis the rather in this is, that he knoweth that Sir Edward Coke and Sir Robert Philips will be both returned." Sir Arthur Ingram to Sir Thomas Wentworth. *Straff. Disp.* i. 30.

and though Philips and Coke struggled on, and the gallant ex-chief justice went so far as even to claim his writ for the county he had to serve as sheriff, he established only privileges of membership apart from the right to sit, and both had finally to yield. For that parliament at least, the court had doomed to silence the most eloquent and the most learned of all the utterances remembered in parliaments of the past; but only, as Eliot in his memoir has written and was doubtless thinking that day,* to shew how sufficiently, upon so great a want, even *their* places might be filled. Plymouth had again returned his friend Glanville, nerved for better service under the punishment whereby the court had hoped to disable him. Pym again sat for Tavistock; Selden was returned for Great Bedwin; Mr. Littleton sat again for Carnarvon;† the ornate and fluent Digges, in as much resentment as befitted so courtly a temper at the favourite's treatment of his "father" the kind archbishop,‡ once more represented Tewkesbury; and Sir Robert Mansel, not resenting only the neglect of his veteran claim and service but also more recent proofs of Buckingham's spite and anger, sat for Glamorgan.§ No want of eloquence, or learning, or good indignation here.

* *Ante*, 443-4.

† Browne Willis makes the return for Lempster, but this is a mistake; and generally careful as his returns are, they are never wholly to be relied on.

‡ "He was publicly employed," says Abbot of Sir Dudley, in his narrative (*Rushworth*, i. 451), "one time to the Hague, a second time to Muscovie, and thirdly into Ireland, about affairs of the state: such opinion was then held of his good endeavours. And for my own part, ever since the days of Queen Elizabeth, I have been nearly acquainted with him. He was my pupil at Oxford, and a very towardsly one; and this knowledge each of other hath continued unto this time. He calleth me father, and I term his wife my daughter; his eldest son is my godson; and their children are in love accounted my grandchildren."

§ "Against Sir Robert Mansel's patent for making of his glasses, being *his chief livelihood and only reward for all his services*, there is a writ of two warrants brought, by which it will be forfeit to the king if his great enemy may prevail against him." Stuteville to Mede, 4th November, 1625.

Nor had Eliot to look round in vain for other faces, friendly and resolute. Mr. Hampden of Great Hampden is here for Wendover, Sir Oliver Luke for Bedfordshire, Sir Thomas Grantham for Lincoln, William Strode for Plympton, William Coryton for Cornwall, Walter Long for Wiltshire, Sir Walter Erle for Lyme, and Sir Bevil Grenville for Launceston. His friend Sir Robert Cotton had not obtained a seat ; but his old fellow-labourers, Sir Edwin Sandys and Sir James Perrot, sat again for their former constituencies, though they yielded now their preeminence in speaking to himself and younger men. His countryman and friend, Henry Rolle, one of the greatest lawyers of the time, who lived to write the famous *Abridgement** and to administer justice under the commonwealth and council of state, took his seat for Truro ; and among other noticeable men of that profession were Wentworth of Oxford, Sherland, member and recorder for Northampton, Bulstrode Whitelocke, whom Stafford had sent to begin his long and busy career, Herbert, who sat for Downton, Whitby, member and recorder for Chester, Noye, who again represented Helston, and Sheldon, who sat for Bridgnorth and had succeeded Heath as solicitor-general. Of course his old constituents had returned Rudyard ; Eliot had again been interested in bringing in Marten as his colleague for St. Germans ; Sir Thomas Wentworth had sent, to represent himself as well as the borough of Richmond in Yorkshire, his friend Mr. Christopher Wandesforde ; and old Sir John Savile for the last time sat in Wentworth's seat. The other northern men, including keen old Sir Thomas Hobby who had sat in several parliaments of Elizabeth, mustered as on former occasions ; and a word may be added of two new names, whose owners made themselves during the sitting briefly famous. Sir Edward Coke

* Which, I may remark, Sir Mathew Hale edited with a noble eulogy on its author's learning, moderation, patience, justice, and despatch ; admitted " even by royalists," and rendering him a faultless judge.

had sent in for the borough of Aylesbury his son Clement, who managed forcibly to represent also his father's ill-humour; and a very clever though eccentric physician, one Samuel Turner, for many later years a doctor attendant on the court ladies who all consulted and laughed at him,* was now to make his first attempt in politics as member for Shaftesbury in Dorsetshire. He represented the same place afterwards in the long parliament, and was very harmless.

The privy councillors had not lost strength, if they had not gained any, in this parliament. Heath's promotion to the attorney-generalship had removed him from their ranks in debate, but they had been reinforced by the new vice-chamberlain and member for Hastings, Sir Dudley Carleton, an ancient diplomatist of amazing experience in foreign countries, with the drawback of having had small experience in his own. Sir John Cooke, having filled his purse by marriage to a rich city widow, was now become one of the principal secretaries on Sir Albert Morton's death, and had been returned by Cambridge university. Sir Robert Naunton sat for Suffolk, in disfavour with the court for having advised against some late proceedings; † and Sir Humphrey May again for Leicester. Sir Richard Weston sat for Bodmin; and Sir Thomas Edmundes, remarkable as one of the smallest men in the house as well as one of the sharpest, and whose age had quenched none of his vivacity, represented the university of Oxford. They had not many followers to depend upon; but among the most staunch and reliable were the three formerly named, and whom

* In the state paper office there is a letter addressed by Sir Kenelm Digby to Conway (Strafford's friend), I think about 1640, giving a rather ludicrous picture of Turner. It bears, I may add, a characteristic indorsement by the late Mr. Croker.

† "Sir Robert Naunton, for speaking his mind freely and honestly against new projects, is turned out of his lodgings at court; and, if somebody's power continue as great as his will, shall be cashiered of his mastership of the wards." Stuteville to Mede, 4th November, 1625.

their constituencies had again returned, Mr. Drake, Mr. Mohun, and Sir James Bagg.

The committees for privilege, religion, and the courts of justice * having been appointed, and several suggestions adopted for regulation of their proceedings, upon the naming of the committee of grievances an opinion was expressed that its duties should be taken under separate heads. The new secretary thereupon reminding the house of his majesty's hint as to time; and that unreasonable slowness, at such a period of necessity, might produce as ill effect as denial; Eliot promptly arose, said he had a motion to submit, and took the place which all seemed ready to concede to him. Our sole knowledge of this speech hitherto, derived from allusions in private letters and half-a-dozen lines in the journals, has presented it as a general invective on the recent national disgraces, "eagerly aiming at but not naming" their cause; † but I have now recovered the speech itself, and find it to be of much larger scope in the way of counsel and policy. The invective is quite subordinate to the design, which was to warn the parliament at their beginning, by examples of deceptions practised and losses incurred in former sittings, of the only safe course by which they could now secure themselves. The speech is throughout a practical summary of the lesson he had

* See *ante*, 235. Pym, who was chairman of the committee on religion, duly reported from it to the house an able and powerful charge against Montagu (*Rushworth*, i. 209-12), from the consequences of which he was only saved by the more important impeachment taken up, and the sudden dissolution it occasioned. On the very day of that dissolution articles of impeachment against Montagu had passed their final stage, and were ordered to be engrossed. *Journals*, 14th June: i. 871.

† Letter of the 11th February 1625-6 (MS) S. P. O. Mr. John Millington, in a letter to his brother in the same collection, describes the effect Sir John Eliot had produced by drawing attention to the king's wants in connection with the examples of past expenditure, and the ill-success of the Spanish voyage. And Mede writes to Stuteville, that at the very beginning, Sir John Eliot, the vice-admiral for Devonshire, desired that there might be account given for all monies supplied since 1623, laying to the mismanagement of affairs the loss of thousands of men's lives in our late expeditions by land and sea.

drawn from the scenes he has described in his *Negotium*, expressed with singular force.

“ Mr. Speaker,” he began, “ I have observed in the
 “ passages of this day the divers motions that have been
 “ made and the excellence of their intendments. I have
 “ called to mind the proceedings here of former times. I
 “ have remembered the affections and endeavours of our
 “ predecessors. I have with myself revolved, and
 “ (what in so short a time occasionally I might do) I
 “ have cast up, what successes, what issues, they have
 “ had ; and from thence have drawn a consideration to
 “ ourselves what we may now expect, and what course
 “ we may best hold. For, from thence, there may be a
 “ conjecture made unto our present hopes ; the effect and
 “ consequence of all acts being implied in the judgments
 “ of their entrance and prosecution. Herein the latter
 “ times, I doubt, have failed either through precipitation
 “ and too much haste, or by impatience and importunity
 “ preventing their own desires. Yea, preventing them
 “ by the too much affectionateness and earnestness of the
 “ desire. As is noted of the Samians in like case, for
 “ pressing upon Meander. *Cui iustissimo virorum violenti*
 “ *esse non licuit*, saith that story. They urged their suit
 “ so violently upon him that they gave him no time to
 “ answer or grant it, being willing. In all things, Time
 “ and Order are of best advantage ; the one the measure,
 “ the other the weight, of all proceedings ; and the
 “ greatest prejudice or hinderance in business that can
 “ happen, comes by anticipation or disorder. For if there
 “ be not time, nothing can be done ; and without order
 “ and direction, there can be made no use of time. And
 “ this I believe we have heretofore seen verified in our-
 “ selves ; whether by art so contrived, or incidentally
 “ following our own oversights, I will not judge. But
 “ the effects do show it, that we suffered ! We suffered
 “ in the last, we suffered in the former parliament. I
 “ will not enumerate all our sufferings that way. I will

“merely make an intimation for your memories, how
“the times have slipped us; how they overpassed us
“before we could conclude, nay before we could almost
“begin, the business we came for. The business we
“came for, did I say? No, I am there mistaken. *That*
“we dispatched betimes, if not too soon! The business
“it is we *should* come for, I mean; the country’s busi-
“ness, the public care, the common good, the general
“affairs of king and kingdom: not the mere satisfaction
“of any private ends or hopes. *These* have overslipped
“us; *these* have passed beside us; though not without
“mention, yet without effect.”

After this very striking exordium Eliot proceeded to say that he was not going then to begin a search or scrutiny as to how those things had been governed and directed. But with what modesty he might, and without dishonour to so great a council, he would even assume the occasion to themselves; and that it was their own facilities, their own credulities, that had deceived them. From thence he would then be bold to derive some observations for the future; “aye, and for the time
“we are now in;” how they might sort it, and how manage it, to their best advantage and the common good. And first he would make one general proposition, which he should afterwards reduce into some particulars: with consummate art proceeding thus:

“And that is for supply. Sir, I am for supply;
“supply of means for the country; supply in govern-
“ment; supply in justice; supply in reformation;
“supply in aid of our long neglected grievances! I am
“for insisting that these things may begin our labours;
“that we may settle *this*; that we now prepare it, that
“we present it! Nay, I will go further, *that we attend*
“*and take our answers before we admit, in other things,*
“*either treaty or debate.* But methinks I hear some
“Courtier saying to me, you go now too far. You ex-
“ceed your limits. It is not a parliamentary course you

“propose. You have no precedent for it. I crave
“him pardon that speaks or thinks it. If I err, it is
“out of love, not out of flattery; and though I am not
“warranted, yet I am induced, by former practises; if
“changing of persons do not change the case. Did we
“not, the last parliament, freely give that session to the
“king, upon the promise and assurance of his word to
“have the next for us? Did we not, in the parliament
“before, do the like? And in both have we not ex-
“pected as much faith and love as could be expected
“from poor subjects? Did we not, in the 18th of king
“James, grant two subsidies which were presently con-
“firmed, and part without a session? Have we not, on our
“side, ended with trust enough, those three times, to en-
“dear the credit of our sovereign? May we not justly
“challenge it as in that respect deserved, to have his ma-
“jesty now begin with us? For is it not the same in reason
“as for us to begin with him? Surely it is. The business
“is the same. And, though there were no law of retalia-
“tion, this would persuade and move it; that what is the
“country’s, is the king’s, good. Those that will distin-
“guish or divide them, I dare be bold to say are neither
“good scholars nor good statesmen! As we, then, have
“broken precedents for the king, let it not seem strange
“we should now desire the king may do the like for us.
“Let us receive some fruit of all our confidence and
“hope, that we may send it as a satisfaction to our
“countries. And as I know it will affect them, it shall
“hearten me to strain myself hereafter wholly unto the
“king’s desires, this being granted now. Which gene-
“ral I shall therefore desire you to take into your
“memory and considerations, as that which may prepare,
“nay, that which must assure, our passage to the rest.
“And that, according to this, we may the better husband
“our time and business, I will hence descend into some
“particulars which I conceive next fit for your resolu-
“tion. Wherein, part I will take from that that has

“ passed now ; part from the memory of our last consultations ; and part I will add as it shall be necessary ; in all submitting to your greater judgments, either to be altered or reformed.”

The councillors by this time were doubtless aware that his majesty had gained little by silencing Sir Edward Coke. Eliot now presented, in clear and masterly description, what in the last parliament that learned and experienced person had demonstrated respecting the king's estate : how ill that had been husbanded or spent which was gotten with grievous injustice to the subject ; and what a profligate waste there had been of all which might have spared the subject. Admitting it, he said, as most necessary to them in point of safety that there should be ever a sufficient means to support the state and dignity of so great a majesty, and to supply him on all occasions with power and strength as well to abate his enemies as to protect his friends, he asked whether any one sitting there could doubt that what in the elder and better time had gone in aid of that object, had of late been wholly turned from it. “Through whose occasion,” he continued, “ I speak not now : but what prejudice in this particular we have had ! What losses we have sustained, losses abroad, losses at home, losses to our friends, losses to ourselves ! How the king's treasures have been exhausted, how his revenues are impaired, how his reputation is lessened. In what strait our gracious sovereign has been left as to his estate, who has power to speak it, who has heart to think it, without an inward bleeding of his soul for so much wrong to majesty so long time unpunished ! *Theſaurus regius anima reipublicæ.* The treasure of the king is the life of the subject. Hurt that, you wound the kingdom. Cut off the king's revenues, you cut off the principal means of your own safeties. You not only disable him to defend you, but you enforce that which then you conceive an offence—the extraordinary

“ resort to his subjects for supplies, and the more than
 “ ordinary ways of raising them. Sir, this in former
 “ times has not been thought unworthy of the considera-
 “ tion of parliaments ; neither have our kings taken it to
 “ be dishonourable to remit to them that care ; but, as
 “ their easiest and safest ways, have with such help from
 “ parliament wisely own filled their coffers. And to what
 “ extent indeed this has been practised here, how it has
 “ been used in other parts, and what resumption of lands,
 “ what accounts of officers, what infinite restitutions,
 “ have been by that means made to the crowns, I shall
 “ be bold to tell you when needful upon the more par-
 “ ticular debate hereof, together with what in this par-
 “ ticular I conceive to be fit by way of redress and
 “ remedy.”

The next subject handled by Eliot brought the matter nearer home. It was incident and unavoidable, he said, to their consideration of the alleged urgency of the present wants of the state, that they should enquire as to the outlay of what former parliaments had voted ; and reminding the house that he had himself been a member in the twenty-first of the late king, and could speak to the conditions on which the subsidies and fifteens had then been given, he declared it to have become in his judgment essential now to have the account of that expenditure exactly rendered. By its too long delay, they already had suffered much both for the honour and wisdom of that place, and in the general misfortunes. And from the tone Eliot takes in this remarkable portion of his speech, it is clear that the double check was always intended as formerly I have described it (in a passage* written before this manuscript by Eliot was discovered) ; and that, while the king was to have advice from a secret council in the conduct of the war, the house, by means of their own commissioners, were not only to act as treasurers of the king in regard of preventing expen-

* *Ante*, 158.

diture other than for the strict purpose, but were to disallow all outlay that went beyond the stated and specific object for which hostilities had alone been undertaken. "I confess," he went on, "there was an entrance made to it here last parliament, and a show of prosecution was continued at Oxford; some mention there was of the accountants, but without effect; some general answers were taken, as of the treasurers and part of the council of war; but for the rest, and the particulars, they were not pressed, but left as things forgotten. What is this but to make a parliament ridiculous? to pretend integrity and zeal for the common cause, and to desert it? to draw the judgment of the house into no regard? Consists virtue only in show or word? Is it a discharge of our duties in this place *to seem* affectionate and careful, not *to be so*? Do these walls comprehend our duties? and must they not extend beyond them? Pardon me, I beseech you pardon me, in speaking freely. I shall as freely do the service you command me. It stands not with our honours, it stands not with our gravities in this place, to be noted careless or uncertain; and I beseech you, once again, it may not so seem in this. The reasons at this time for pressing the accounts, are more than ordinary; and the weight and greatness of it, I believe is much mistaken. To me it is no small fear that the former omissions have occasioned much of that prejudice in our affairs which has happened since; and the extent and reach of the account, now, I take to be so large, as it involves the consideration of our late adventure, and the search of the cause of our unhappiness therein. For, as I understand it, both from recollecting our intentions in passing the act with such conditions, and from the word and letter of the act itself, not only the money but the service in which it is employed should be accounted for; and, therein, not the treasurers and council of war alone, but all others

“ who by office or command should have interest in the
“ service, were to be examined of their carriage, doings,
“ and proceedings, and to receive such judgments from
“ the parliament as their cause might merit.”

The orator had thus brought his hearers naturally to the subject of which it is probable that all were as eager to hear that day, as few were willing to be the first to speak—the disgrace that had fallen on their arms, and the end of all the mighty “preparation.” “And now, “Sir, I beseech you,” said Eliot, himself yielding at last to the passion for which he had well prepared his listeners, yet even now with wise self-control not naming, but only pointing at, the author of their shame, “cast your eyes about! View the state we are in; consider the loss we have received; weigh the wrecked and ruined honour of our nation. Oh, the incomparable hopes of our most excellent sovereign, checked in their first design! Search the preparation; examine the going forth; let your wisdoms travel through the whole action, to discern the fault, to know the faulty. For I presume to say, though no man undertook it, you would find the Ancient Genius of this kingdom rise up to be accuser! Is the reputation and glory of our nation of a small value? Are the walls and bulwarks of our kingdom of no esteem? Are the numberless lives of our lost men not to be regarded? I know it cannot so harbour in an English thought. Our honour is ruined, our ships are sunk, our men perished; not by the sword, not by the enemy, not by chance; but, as the strongest predictions had discerned and made it apparent beforehand, by those we trust. Sir, I could lose myself in this complaint. The miseries, the calamities, which our western parts have both seen, and still feel, strike so strong an apprehension on me. But the particulars are too many to be instanced now. In their times they will appear more fully, as incidents to that account for which I now

“ have asked, and which, if we consent to flight or overpass, may our sufferings evermore correct us !”

He was now, he told the house, about to close ; but, as if remembering suddenly the pretence made at Oxford that all the subsidies given for the war had been spent before the Cadiz preparation, he quietly disposed of that argument as any excuse for the disaster, and then in dignified strain concluded. “ Perchance, Sir, it will be said “ that this concerns us not. Our money was long since “ spent in other actions, and nothing remained to this. To “ prevent the objection, I will make this answer. I know “ nothing so prosperous or good in those former actions “ that may extenuate, much less excuse, the faults of this. “ And this, I am sure, falls within the compass of those “ ends to which our money was given. For, besides the “ general of war in which it is included, it was in point “ contained in our fourth particular, the setting forth of “ the navy. Nay, it is the particular itself that was intended ; and I am sure our money advanced, if it did “ not conclude, this preparation. That makes it a proper “ subject of the account, and I hope in conclusion, may “ make it profitable both for his majesty and us. Upon “ these particulars, therefore, I will contract my motion ; “ this of the war account and that of the king’s estate. “ I desire there may be a settled order for their handling ; “ that days may be prefixed to take them into consideration ; and that committees thereto may be especially “ appointed, from which nothing shall divert them. So, “ by such seasonable and timely beginning, may we have “ a happy period and conclusion ; and, by such order, preserve our times free from interruption, and produce “ something worthy the expectation of the country, and “ our own labours. And the general suggestion which “ at first I made, I would not have forgotten ; *that until “ these shall be perfected, and such other matters as shall be “ necessary for the supply of the country, no mention, nor “ overtures, nor motion, for others to be taken ; but that the*

"*common cause may have a full precedence.* Which, out of an affectionate and pious care to secure the ways in which we are to walk, to prevent those preventions under which we have heretofore so much suffered, and to preserve the mutual honour and interests of my prince and country, I now must humbly move." *

Eliot had scarcely resumed his seat when Sir George Goring jumped up and asked what he meant by the word "courtier," upon which Sir John was heard to explain himself. So the journals tell us, † and upon that nothing more is imparted. Perhaps the unconscious eagerness with which a member known as a model courtier ‡ betrayed upon the instant his dread that the word would carry an imputation, may be accepted as evidence of the effect produced by the speech: but a more decisive proof is afforded by the fact that every suggestion made in it was adopted; that the house entered immediately upon the path so impressively marked out for them; and that great as was the pressure they underwent, both within and without their walls, nothing afterwards drew them finally from it. A minister at the head of an overwhelming majority could not have had his terms accepted with more implicit acquiescence. What was determined as to supply, we shall shortly see. Now it was resolved, upon Eliot's motion, that besides the committee of grievances of which Mr. Whitby was chairman, having sub-committees of inquiry to report to the house under special heads, there should be a committee for secret

* From the original preserved among the MSS. at Port Eliot.

† Here is the entry (i. 871), which includes also the entire of what was known until now of Eliot's speech:—"Sir Jo. Ellyott propoundeth, first, in general, the supply for the country for relief of their grievances, &c. For particulars. 1. The consideration of the king's estate. 2. The account of six subsidies and fifteens granted 21 Jac. and therein (as included) the examination of the carriage and miscarriage of the last fleet. 3. Misgovernment, misemployment of the king's revenues, mis-counselling, &c. Moveth a special committee to take a consideration thereof. Sir Geo. Goring taketh exception to the word 'courtier.' Sir Jo. Ellyott heard, to explain himself."

‡ *Ante*, 156.

affairs over which Mr. Wandesforde was to preside, combining evils, causes, and remedies, to be in like manner separately taken and reported. Each subject, exactly as Eliot had moved, was to have its special handling and appointed day; and besides the "condition of the subject in his freedom," including such matters as loans, impositions, and monopolies, and the levy of tonnage and poundage without parliament, the investigation was to comprize "the state of the king in the constant revenue of the crown," the "accounts under direction of the treasurers and council of war appointed by parliament," the "late ill-successes and losses of reputation," and "the employment or waste of treasure, in sums granted, how in particular spent, and by what advice, the last three years."* In a few days all these committees were in operation; Eliot's unremitting activity in connection with them displaying itself in various ways, and above all in the fearless energy with which he dragged into light the scandalous story of the St. Peter of Newhaven.

A quantity of papers exist still at Port Eliot, throwing light upon these unparalleled exertions. They show how thoroughly in all respects Eliot led this parliament, and was the life and soul of its proceedings. It is impossible to print them in detail, but they will supply to my narrative from time to time illustrations of much importance. Occasionally, too, in the vivid glimpses they afford of what was passing not alone in secret committees, or in sittings with shut doors, but in more private and personal conference apart from the house,

* These "heads of grievances to be laid open," from which I have quoted above, will be found stated in *Rushworth* (i. 207-9) as the result of the first few days of the sitting, in apportioning duties to the committees. (See also *Parl. Hist.* vi. 423-5.) Even to such details under "the king's revenue" as "how abated by grants of pensions, and by gifts or lands" and "no valuable consideration," and how far "this may be revoked," the carrying out of what we now know to have been Eliot's immediate suggestion is minute and remarkable.

they assume a striking interest. They establish, for example, that Hampden, though he took no prominent public part as yet, and his name has never been connected with the prosecution of Buckingham, was yet ardently engaged in it as Eliot's friend and counsellor. It is from a paper in rough draft wholly in the handwriting of Hampden, and superscribed "The Causes," that Eliot, in several notes and memoranda folded up within it, appears to have drawn as from a brief the several subjects to which he applies his marshalling of proofs and evidence. But a brief extract will explain this better than any description; will show the character of the preparations made by Eliot; and, accepting this as only one specimen of some score and upwards in which the same "causes" are further discriminated and digested for subsequent discussion at committees, will enable the reader to judge of the conscientiousness and labour with which the case was got up against the great delinquent.

From Hampden's paper of "causes" I take the following: "1. The increase of papists and the countenancing of them. 2. The narrow seas and the coastes have not bene garded since the breach of the treatyes wth Spayne. 3. The pluralities of offices in any one man's hand. 4. The intercepting, the unnecessary exhausting and misemploying the king's revennewe. 5. The sales of honor in generall. 6. The conferring of honor upon such whom the king's revennewe dothe maintayne. 7. Bying of places of judicature in the commonwealth. 8. The deliverye of our shippes into the hands of the ffrench w^{ch} were employed against Rochell. 9. Impositions upon commodities in generall both native and forrayne w^{thout} assent of parliament." (A "cause of stopp of trayde" is added and struck out.) "10. The misemployment of y^e monye given by the act of parliament and not imploying the monye according to the 4 ends expressed

"in the act." To which I add one of the papers of memoranda by Eliot, of which as many as a dozen might be given in connection with these "causes" alone.

"*To the 1st. The increase of papists and countenancing of them.*

"Occasioned by y^e D specially in the
"north parts in bringing in popish
"governors, and men ill-affected in religion to commissions and authorities.

"Instances. { "Lo. Scroope, president
"Lo. Rutland, just. in eire.
"Lo. Dunbarr, deput. just.
"in eire from Trent
"northwards.

"The effects prov'd in Yorkshire, wher in x^o James ther were but 1200 papists convict: since y^e Lo. Scroope's coming thither president, 1600 encreas'd.

"This cause the *causa causarum*! a spirit moving
"betweene the K and his commissions; betweene the
"K and his promises; the K having, to the petition of
"the Ll. and us, declar'd himself ag^t it.

"*To the 2^d. The narrow seas not garded since y^e breach of y^e Sp. treaties.**

"The keeping of y^e narrow seas y^e duty of
"y^e Admirall. Y^e Admir^l upon all occasions
"of necessity or wants must repair to the
"Counsell.† Y^e Counsell must assist.

* In another very elaborate paper Eliot lays down from old authorities and records the duties and obligations of the lord-admiral in regard to that "soveraigntie of the narrowe seas and iles" which he proves to have been "acknowledged to the K. of England by Spaine, Almaine, Zeeland, Holland, Freezland, Denmarke, Norway, Genoa, and divers places of the emperor."

† The king's privy council, that is.

“ My Lo. Duke has not complain’d to the Counsell,
 “ and has not requir’d advise or help. Therefore,
 “ &c. &c.

“ Nor could want be the cause. Three subsidies
 “ given—21^o—Two since. The monies upon y^e st. of
 “ to. and po.* amounting to &c. &c. Granted
 “ p^{ro}perly and wholly for that end. Y^e subsidie of to.
 “ and po. in Ireland in his owne collection, and therefore
 “ might that way be justly imploi’d.

“ Naie, at the same times in w^h we stood in need and
 “ sustained most los (as last summer, wⁿ upon order of
 “ y^e counsell for 6 or 7 ships to be sent down into the
 “ west to secure that coast ag^t the Turks, those ships
 “ soe order’d could not be suffer’d to goe), there was
 “ monie enough for 8 prime ships of the k^m to be sent
 “ to be cast away!

“ *To the 3^d. Plurality of Offices.*

“ Y^e D. Lo. Admirall,
 “ Lo. Warden of Ports,
 “ M^r of y^e Horse,

“ Either one sufficient for one man.

“ Y^e Admirall and y^e Warden antiently lookt one
 “ upon another, and either severally for the K^m
 “ Now, those 4 eyes put into 2.

“ 1. Too much for one man’s care,
 “ &c. &c.

“ 2. Too much for one man’s trust
 “ or power, and therefore in this
 “ p^{ar}ticul^r a speciall cause not only
 “ of our evils but feares.

“ Honor a reward. Men industrious in hope of
 “ p^{re}ferm^{ts}. Those places being possess’d by one
 “ takes away y^e occasion of indeavor.

* Statute of Tonnage and Poundage.

“ *To the 4th. Intercepting, unnecessary exhausting, and
“ misemploying of the K's revenewes.*

“ In embassies. Extraordinary rewards to ambassa-
“ dors beyond the proportion of former times.
“ Misemploying, in respect of great charge and
“ expense of ambassadors that are not of estate
“ themselves. Whereas formerly men of great
“ estate, &c. &c. Y^e great rewards of these men
“ beyond antient proportion : when Barons had
“ but 4 pounds, P.C's 4 marks, per diem. Inter-
“ cepting, in the taking up of y^e monies due upon
“ tonnage and pound. to other uses.

“ *To the 5th. Sales of Honor.*

“ Honor the reward of virtue. Makes men in-
“ dustrious. Former warrs maintained wth les^s
“ charge for them. Gentⁿ in hope of honor, w^{ch}
“ could not be acquir'd otherwise, put themselves
“ into these actions. Now foe cheap and easie,
“ made contemptible. Men having noe other
“ means to acquire a name, purchase honor.

“ Obs. Difficulties of former times.

“ Instance : Lo. Burleigh, &c.

“ Men of small estate purchasing honor fall into
“ necessity and foe dishonor.

“ Sale of 2 in Ireland to a knight and a
“ baronet. One gott a vicountie and the
“ other an earledom.

“ Y^e places and roomes of honor supplied wth men
“ of mean and poor parts for finging or dancing :
“ men of worth refused.

“ Sale proved by instance. Y^e Lo. Roberts
“ p^d 10,000^l. Witness, Jo. Kofuggan.

" *To the 6th. Honors confer'd upon men w^m the K's revenues
 " must maintayne.*

" Antiently honors were not conferr'd but upon
 " men of good estates. To men of small estate
 " other rewards were fitted to their worth w^{ch} they
 " might maintayne.

" Inst: A grant of lands to y^e Lo. Audly
 " after y^e battaile of Agincourt, w^{ch} he gave
 " away to others, himself not needing it.

" Lords in y^e upper house forbidden y^e parl^t, having
 " not estates sufficient to their honors, and therefore
 " not to be trusted in a place of soe great judg-
 " ment. Now, men of mean condition and no
 " estate rais'd to honor and greatness which other-
 " ways they could not get.

" Instance: Y^e whole family
 " of the D.

" His mother,
 " Lo. Anglesey,
 " Lo. Purbecke,
 " Lo. Denbigh,
 " And his sonnes."

It is remarkable to observe in this paper, single example as it is of many similar notes of preparation, the germ of some of the most striking speeches afterwards delivered against Buckingham, not by Eliot only, but by fellow managers and accusers who had drawn their inspiration from him.

The councillors and ministers had been offering meanwhile no effectual resistance, probably taken by surprise at such sudden and unaccustomed energy. Two examples may be presented of their manner of meeting the charges advanced, both taken from notes in

Eliot's handwriting* of committee proceedings, as to which no other record exists. The first was upon proof offered by Eliot, as in the paper above quoted, that the narrow seas had not been well guarded. The not keeping a sufficient navy of competent ships on our coast, he said, was the cause of our enemies infesting us. To this Sir John Cooke replied, that by order of the council a competent number had been appointed. Eliot rejoined that he could not accept this answer for proof that the ships were actually sent. On one occasion, by the king's direction, the council made an order for certain ships to be sent to defend the western coast, which order was delivered to Sir John Cooke *and by him kept*.† Hereupon the secretary of state begged the committee to remember that he had received the order in question as one of the commissioners of the navy, and he had told the lords, on receiving it, that there was no money in hand to carry it out, but that if they would provide money the commissioners would provide ships. Eliot to this made bitter rejoinder. To what ends the money had been spent, he said, he knew not; but the end to which it was given, and tonnage and poundage were voted, was for defence of our coasts, and for that especially. But he had further to remind the secretary that there were ships at that time actually ready upon the seas, *of which some had been sent to Rochelle* that might have done the service required. The secretary said no more, and upon question a resolu-

* I have found two sets of these, both referring to the proceedings of this parliament, headed respectively "N. 5. Extract. ex. origin. diar. com. 1^o Car," and "N. 6. Minutes of y^e House of Commons 1^o and 2^o Car," and shall quote them from time to time as *Eliot's Notes*. They supply information of much interest not contained in the *Journals* or elsewhere, and especially of what from time to time transpired when the house sat with its doors locked. They contain, of course, much also since printed in the *Journals*, and which had evidently been copied from the clerk's books; but for matters of this kind I do not quote them. They are only given here when they relate what is not to be found elsewhere.

† See *ante*, 320-321.

tion passed that the narrow seas had not been well guarded.*

The second was also upon a report by Eliot from one of the sub-committees to Wandesforde's committee, upon the employment of English ships against the protestants of Rochelle. He stated, upon handing it in, that the duke's secretary, and his chief instrument in the transaction, Mr. Nicholas, had upon examination confessed to have done all by directions without commission; that the directions had been both by word and in writing; but that he refused to tell what they were, being matters of state. This called up Sir Robert Mansel, who said that their kings had never used to take without consent any ships of the subject to serve a foreign state, nor had ever any of the king's ships before now been handed over to foreigners: upon which Sir John Eliot again rose to submit a formal resolution, charging the duke as responsible for the act and therein guilty of a fourfold wrong, to the merchants, to the state and kingdom, to the parliament, and to the king. Then interposed Sir James Bagg, with a feeble attempt to stay the vote; telling the committee, that, being lately with the duke, he had let fall some words that he doubted not but to clear the imputation for those ships; but because there was matter of state in it, he thought it not fit to be done publickly; yet, if the house would appoint two or three, he would do it to them. Sir James in his zealous humility having added, however, that he had no commission to speak this, the committee took him promptly at his word, passed Eliot's resolution, and declared the duke responsible.†

As each committee thus enquired and reported, much excitement prevailed. From each came, day by day, to the grand committee for evils, causes, and remedies, its quota of wrongs under one or other of the four

* *Eliot's Notes*, n. 5, fol. 6, a and b. † *Ibid.* fol. 15, a and b.

divisions: prodigality and malversation in the king's revenue; misappropriation of the subsidies of parliament; scandalous new burdens and illegal levies on the subject; and, from the last three years' management of the state, not only disgraces and defeat abroad but shames and dishonour at home. The council of war and treasurers were called; and in spite of resistance from the king, from the duke, and every member of the council except Mansel, the commons established their right of examining accounts of their own servants, by statute appointed with that condition, and Lord Conway and the rest had to make return to Sir Dudley Digges, Sir Thomas Hobby, and Sir John Eliot.*

But as the "evils" daily accumulated thus, the "causes" and the "remedies" were concentrating and narrowing into one. To one delinquent each report pointed as the cause, and there only could lie the remedy. But what was to be done? "Better for us," cried Mr. Clement Coke, in the one famous exclamation which has procured for him a corner in history, "better to die by our enemies abroad, than to suffer from an enemy at home!" Yes, but how deal with the enemy? in what form proceed to bring the several charges under one accusation? The diversity and complication of offence was the stumbling-block. It was not as with Bacon or with Middlesex, where individual accusers came before the house with allegations and proof of wrong. There was in this case no time to proceed separately by proof under special instances, and without laying such ground of proceeding the ultimate purpose might be barred. From the very circumstance that every one accused arose the difficulty of finding an accuser. It was their wealth that made them poor.

* S. P. O. MS. Dom. Cor. 11th March, 1625-6. There was a so-called compromise, whereby the council were to attend the commons and to give account of all their disbursements, but not to divulge their counsels. The latter, however, had in reality not been demanded.

Then stepped forward the medical member for Shaftesbury with a prescription he thought suitable to the case. He had prepared, and now handed in upon a paper, six queries that might perhaps assist them. They were to ask: Whether the duke, as lord admiral, were not the cause of the loss of the king's royalty in the narrow seas? Whether exorbitant gifts to him and his kindred were not the cause of the crown's impoverishment? Whether the multiplicity of offices in him and his incapable dependents were not the cause of the kingdom's evil government? Whether his own inclinings, and the known papistry of his mother and his other kindred, were not the cause of favor to recusants? Whether the shames arising from sales of honours, offices, places of judicature, and ecclesiastical promotions were not caused by him? And whether, being admiral and general of the sea and land army, he were not the cause of the late disgraces to their arms, though he had himself stayed at home? Because, said Doctor Turner in conclusion, all these "are fabled to be so." The inference of course was, that common fame might in such a case be accuser, and be a good ground for further proceeding, there or elsewhere.

It was not the doctor himself, however, who gave it that shape. It was Eliot. He at once declared himself in favour of taking such a ground. The Duke of Suffolk had been so charged in Henry the Sixth's time. He further remembered, and the worthy gentleman would correct him if this were not true, that the now chancellor of the duchy so informed the commons, when they sat in that house together during the 12th of James, in charging divers "undertakers" who had been brought in question.* Sir Humphrey May made no reply; but upon Sir Robert Harley asking whether a member there might upon common fame inform against a person of the upper house, the Speaker interposed and objected that the

* See *ante*, 23-26.

author of those queries had not made a distinct proposition, but only *whether* such and such things were so. A man might charge any other with wrong to the commonwealth or himself, but might not put in an enquiry *whether* such a man committed such an offence or no. Time was therefore ordered to be given to Doctor Turner "to collect himself." * The doctor, it is probable, never again in that sense collected himself. The ground laid upon his suggestion became afterwards of much importance; but the doctor had no taste for martyrdom, and upon the first hint of that importance by complaint from the king, he wrote to the Speaker that he was very sick, and if he should go to his grave before the debate came on he hoped they would clear him as an honest Englishman. †

But not yet has this subject reached the king, though he has found occasion to make other complaints. Early in March, Weston had carried to the house a second message for supply, to which the answer made accorded strictly with Eliot's advice. With devoted loyalty they told the king, that, for his service and the safety of his realm, they were now discovering the causes and propounding

* *Eliot's Notes*, n. 5, fol. 7, a. What had thus occurred is only now revealed to us by these notes. A sad jumble has been made of the matter in *Rushworth* (i. 218), where the substance of what Eliot had said is given to Turner himself, and the occurrence altogether misdated and misreported. There can be no doubt of the authenticity of Eliot's note (wherever he refers to himself he either leaves a blank or puts his initials); and it is curious and interesting, because it exhibits Doctor Turner in what clearly was the condition most natural to him, of having had honour thrust upon him rather than of designedly achieving it. As the facts are ordinarily stated, it seems unaccountable that he should rise above the surface so suddenly only to plunge yet more rapidly down again; but he probably by no means understood the entire drift or bearing of his queries when he handed them in, and certainly the "sound himself had made" very much frightened him afterwards. I may further state, that when Eliot's rooms were searched some six weeks after the present time, a copy of the "Six Queries" was found in his handwriting, and is now in the state paper office; and it will not be out of place to add that Sanderson, who had a court appointment and to whom Turner was doubtless well known, says of him (*Life of Charles*, 20) "one Turner, a mean mad doctor of physick, who got a room in the "house for such like rants—alas! poor doctor, he did but gape and had "this clamour put into his mouth."

† *Rushworth*, i. 218-219. *Parl. Hist.* vi. 434.

the remedies of certain great evils ; and that in connection therewith they meant to assist and supply him in an ample measure. Hereupon Charles himself wrote to them ; *an autograph letter*, if ever such was written. He was well pleased, as he said, that they should speak of their grievances in a parenthesis (which they had not done), and not as a condition (which they had) ; and he told them that after a vote of supply he should be ready with redress ; but “ I must let you know,” he continued, suddenly letting loose the thought he could no longer mask or controul, “ that I will not allow any of my servants to be “ questioned amongst you, much less such as are of eminent place and near unto me. . . I see you especially aim “ at the Duke of Buckingham. I wonder what hath so “ altered your affection towards him ? . . What he hath “ done since the last parliament of my father’s time to “ alter and change your minds, I wot not ; but can “ assure you he hath not meddled or done anything concerning the public or commonwealth but by special “ directions and appointment, and as my servant. . . I “ would you would hasten for my supply, or else it will “ be worse for yourselves ; for if any evil happen, I “ think I shall be the last that shall feel it.” The only remark made upon the reading of this letter which has been preserved, is that which fell from Eliot. “ We have had a representation of great fear,” he said, “ but I hope that it shall not darken our understandings.”* The king’s letter was referred to a committee of which Sir Dudley Digges was chairman, with instructions that report should be made therefrom on the 27th of March. It was the day of the king’s inauguration, or as we should now call it, his accession, being the day in the previous year on which his father died ; and it was resolved that the vote of supply should then be taken.

* This remark has hitherto been jumbled up with another speech, to which it did not belong. See *Rushworth*, i. 220, and compare with the real speech of the 27th March to be hereafter given.

Meanwhile the king had sent another message, angrily complaining of Clement Coke's exclamation about the enemy at home, saying that he had been put out of all patience by Doctor Turner's foolish impudency, and desiring justice immediately to be done on these two delinquents. Nothing came of it, it is said; except that Mr. Coke stood up to clear himself of any ill intention.* But the little that did come showed the absence of any desire in the house unfairly to screen its members, and Eliot has thought it worth reporting.† Enquiry being made, it was found that Mr. Coke had not spoken the words as charged, nor anything seditious; but that some words he had spoken which displeased the house, which might receive ill construction, and for which therefore he must submit to censure.‡ The question raised by Doctor Turner was hereafter to be discussed.

In the few busy days that had yet to interpose before the 27th of March, the pursuit of the great delinquent was continued with unabated zeal. It is worthy of note, however, that an attempt made on the 24th of March to give effect to one of Turner's queries, and by resolution declare the duke's complicity with his Roman-catholic kindred in popish projects, was negatived.§ On the same day, with greater success, Eliot carried four resolutions against him. The first concerned neglects in his office of lord admiral, imperilling the narrow seas. The second, the multiplicity of his offices; as to which, confining himself to only two out of the score by way of illustration of the danger, Eliot declared strongly his opinion, that for the same man to be lord admiral having command of

* *Parl. Hist.* vi. 432. The same is in the *Journals*. On the other hand see *Parl. Hist.* vi. 465.

† *Eliot's Notes*, n. 5, fol. 6, b.

‡ Reference is made to the matter, and this report confirmed, in the commons' reply to the king of the 5th of April. *Parl. Hist.* vi. 465.

§ *Eliot's Notes*, n. 5, fol. 9, a. In the discussion that took place, it would seem that Pyc, Fanshawe, Whitaker, and Savile strongly opposed the resolution.

their ships, the walls of the kingdom, and also lord warden of the cinque ports having custody of their harbours and forts, the lock and key of their safeties, was too great and dangerous a trust for one man. Such offices were not compatible in one person. The third concerned the buying and selling of honours and titles ; and the fourth the ennobling of mean persons, with no provision for the rank of nobility.* On a subsequent day Eliot carried other resolutions upon the buying and selling of judicial offices, and the intercepting and exhausting of the king's permanent revenue ; out of which he offered proof that there had been issued publickly to the duke, " besides the private door," in little above two years, ninety-one thousand five hundred and twenty pounds. Eliot's unwearied energy was at the same time so strikingly shown in the St. Peter of Newhaven enquiry, and this was attended by circumstances that elicited with so much force and vividness his dauntless courage, that the subject calls for separate treatment.

Before passing to it, the present position of Lord Bristol in relation to the king and the duke requires to be briefly noticed.

The king had by this time gravely involved himself with the house of lords. At the commencement of the session Bristol had felt that at last his time was come, and that now, if ever, the disclosures must be made which the king and duke had lived in constant fear of since the day of his arrival from Spain. His writ of summons, denied him for two years, during which he had lived under restraint and in enforced retirement at Sherborne, was sent to him on his application ; but with a letter forbidding his attendance still, on pain of the royal displeasure. The result of his referring this letter to his fellow peers, with a demand for permission to arraign the Duke of Buckingham of high crimes and misdemeanours,† was an

* *Eliot's Notes*, n. 5, fol. 9, a and b.

† The sudden alarm of the king, and the lengths to which he was pre-

order from Buckingham to the attorney general to charge the Earl of Bristol at the bar with high treason. The lords thereupon voted to hear each charge in succession, and both were to be heard accordingly.

The king's weakness of character, and obdurate obstinacy of temper, were now remarkably exhibited.* He had a spleen still unsatisfied against the lord marshal (Arundel); he knew that he held eight proxies, and could exert considerable influence in such a case as Bristol's; and he selected this time for ordering his arrest on the plea that he had favoured his son's marriage (without royal license) to the Duke of Lennox's daughter. He was actually, while the peers sat, committed to the Tower. But the action of the lords thereon was so prompt and decisive as to astonish even more than it enraged the king. Having voted the arrest a breach of privilege, they immediately addressed the sovereign; claimed during their sittings, subject only to their own votes, freedom from arrest as of right in all cases but felony or treason; on the king's evasively replying addressed him again and again; refused to hear the attorney general in support of the prerogative; compelled the king to yield after a

pared to go in personally influencing a decision against Bristol, appear in a paragraph of Laud's Diary far more significant for what it leaves unsaid than for what it says. "April 22, Sunday. The king sent for all the bishops to come to him at 4 o'clock in the afternoon. We waited upon him, *fourteen in number*. Then his majesty chid us, that in this time of parliament we were silent in the cause of the church, and did not make known to him what might be useful, or was prejudicial, to the church; professing himself ready to promote the cause of the church. *He then commanded us that in the causes of the Earl of Bristol and Duke of Buckingham, we should follow the direction of our own consciences, being led by proofs, not by reports.*" (*Works*, iii. 189.) This was immediately after Bristol's petition to the lords, and a full week before the cross charges were formally preferred.

* "I have," says Roger Coke, another of Sir Edward's sons, "heard my father (though not a courtier, yet acquainted with many courtiers) say, that they would oft pray to God that the prince might be in the right way where he set, for if he were in the wrong, he would prove the most wilful of any king that ever reigned." *Detection*, i. 211.

three months' struggle; and on Arundel refusing his seat received him with a burst of cheering.

How little all this had helped either duke or king through the difficulty with Bristol, it needs not to say. The cross charges of the king against the earl, and of the earl against the duke and Conway, the latter being included in a subsequent proceeding, occupied the lords for the greater part of the session; and are only to be referred to here for the king's extraordinary and unsuccessful eagerness to protect himself against Bristol's disclosures. He appealed to the house not to give the earl equality with the duke by a hearing *pari passu*; he attempted to remove the case to the king's bench, so as to close his mouth as a witness; he made several efforts to deprive him of counsel; but the lords defeated him on every point, each peer voting as determinedly as if the case might next day be his own. And so at last the exposure came. The alleged treason of Bristol broke down altogether, and served only to elicit an easy reply. The alleged duplicity and falsehood of Buckingham, and by implication of Charles himself, were established incontrovertibly. Bristol, a very able man, conducted his case with skill and temper: * and offered proofs, which to this day remain untouched by any later evidence, of the design on the prince's religion for which the Spanish journey was contrived; of profligate and insolent conduct on the

* Bristol appears only once to have been betrayed into expressions conveying an imputation which he felt that he could not prove; but the circumstance of his having even taken up the suspicion of foul play in regard to the death of James, shows how widely diffused the suspicion was, and that it was not mere personal rancour in Eliot to refer to it as he will shortly be seen to do. Alluding to the promise which king James had given him that he should kindly listen to his case, Bristol had added, "I pray God that that promise did him no hurt, for he died shortly after." But he craved pardon for the expression on a subsequent day, and confessed it to have been used in passion. The interest taken by Eliot in the questions raised both by Arundel and Bristol is shown by collections, among his papers at Port Eliot, of precedents and authorities applicable to each, drawn from the earliest as well as from later time, and elaborately written out with his own hand.

duke's part at Madrid; of the sudden rupture of the treaty of marriage solely from personal resentment; and of the falsehood and misrepresentation by which both the English parliament and the English king were afterwards deceived. He left it to his judges to remember for themselves that the prince of Wales had been a party to the deceit.

The duke never replied to those proofs. He said afterwards he was too busy in preparing his reply to a more formidable accuser. To the latter I now return. The more formidable accuser representing the English commons, and warmly pressing home the case of the St. Peter of Newhaven, has put him on his defence in a matter too sharply engaging his feelings, and too deeply involving his agents, to be met by the indifference and scorn he had assumed in dealing with Bristol.

IV. THE ST. PETER OF NEWHAVEN.

The course taken by Eliot in the matter of the arrest of the French ship, the St. Peter of Newhaven, has now to be described. How strongly he felt upon it we have seen; and in the many representations, petitions, and complaints urged upon him by "merchants trading with France," and preserved among his papers still, we seem to have so many yet living witnesses accounting to us for that strength of feeling. One of the first notices given by him had relation to the subject, and he was named chairman of a select committee to enquire into the seizure and arrest of English goods and ships in France. On Wednesday the 22nd of February he reported from this committee to the house for the first time, in a statement which appears to have been listened to with extraordinary interest. The passages became so crowded as he spoke that it was necessary twice to clear them, and Laud thought the matter one of so much moment that he dates from it all the subsequent heats and excitement. "Wednesday,

“ and the festival of St. David,” he writes in his diary,
“ a clamour arose in the house of commons against the
“ Duke of Buckingham, more particularly for stopping
“ a ship called the St. Peter of Newhaven after sentence
“ pronounced. From that day there were perpetual heats
“ in the house.” *

The facts, as brought out in successive examinations by Eliot, were certainly startling. The *St. Peter*, conveying silver, gold, and jewels to the value of forty thousand pounds sterling, was taken at sea by the duke's cruisers in the latter end of September; and, on the mere possibility of Spaniards having some interest in her or her lading, was brought into Plymouth, and without condemnation by any judge or court, stripped of some of her most valuable contents of which the duke's servants took possession, and was then sent up with the residue to the Tower. The indignation of the French at once declared itself by the seizure, on the 7th of December, of two English merchant ships at Newhaven: and so sharp, in consequence, was the immediate pressure upon the council from other English merchants, that upon an order made, a decree for restoration of the ship and goods was obtained from the admiralty. The date of the decree was the 28th of December, and the release of the ship was to take effect on or before the 26th of January. Nevertheless it was delayed; and on the 6th of February, to the consternation of all who had stirred in the case, the ship and goods were declared to have been again arrested by the lord-admiral, with the consent and authority of the king. But further French reprisals rapidly succeeded; the excitement became too great to be safely resisted; and after further pressure on the council, the result was a new decree from the admiralty-court reciting the former order, stating that its execution had been delayed to admit of the examination

* *Works*, iii. 183-4.

of additional witnesses, and that such witnesses having been examined, the ship was now to be released and restored to its owners. It did not however seem that the restoration had even then been honestly made. Some of the jewels originally taken had been appropriated past recall; and Sir James Bagg, again a member of the house, was alleged to have played a discreditable part on the duke's behalf in extorting consent from the Frenchmen for compromise, on payments inadequate to the loss, of several unlawful abstractions made by the duke's officers. It was not denied, in the opposing statements of Buckingham and his friends, that considerable sums of money had been taken out of the ship; but it was averred that no regard had been had to the duke's private advantage in the transaction, that the money was shown publicly to the king, was thence committed to the keeping of the marshal of the admiralty, Mr. Gabriel Marth, and was afterwards employed for the king's service. It was the repeated use of the sovereign's name, and the manifest determination of Buckingham to throw the responsibility from himself upon Charles, which rendered the case difficult and dangerous of handling.

But Eliot never retreated before a danger of that kind. In his first report to the house he stated the facts; declared himself satisfied upon the evidence that, in one instance Sir James Bagg had extorted from one of the Frenchmen, "as a stranger against his will," consent to forbear his right to 150*l* upon payment of 80*l*; drew attention to the fact that the three several grounds of the king's authority, information from the governor of the Tower, and consent of Sir Henry Marten, had been pleaded for the arrest on the 6th February; and recommended the house to hear Mr. Secretary Cooke as to the first point, Sir Allen Apsley upon the second, and the worthy and learned judge of the admiralty upon the third. But Eliot had hardly ceased when Marten rose; to the surprise of the house avowed himself to be in no

degree responsible for the course taken by Mr. Secretary Cooke and others of the king's servants in the matter; and challenged further enquiry. Then followed sharp speeches from Cooke and the chancellor of the exchequer; and, upon Sir Allen Apsey being called in the following day, he embroiled matters still further by declaring that he never, as governor of the Tower, sent information or advice to the duke that could have justified the second stay of the ship. Similar evidence was given by the lieutenant of Dover castle. In this condition the question was left, when the house (at a very late hour) broke up on Thursday the 23rd.

It was resumed on Wednesday the first of March, when, after further report from Eliot, a remarkable scene ensued. It began by Marten repeating his statement that so far from having advised the second stay of the ship, Mr. Burlamachi could testify to his having been ready even to grant an attachment, if required, against all concerned in the arrest; to which he added that, though upon the duke's previously applying to him for advice he certainly had said a second stay *might* be made "upon pregnant" proofs, he had at the same time "advised my lord duke" "to beware of whisperers." This called up Mr. Secretary Cooke, who admitted that he had at the council table maintained the right of seizing the ship, and also its policy, but that if he had erred in doing this, it was by the counsel of Sir Henry, who was specially brought by the duke himself that day to the council board. Whereupon Marten started up "and denied giving the advice; and Sir John Cooke affirmed again that he did;" and Marten of course made further appeal. "If the house believes Sir John Cooke, he cannot be an honest man; and if he affirm it, he must contest with him." * Then friends interfered, as is usual in such cases; and the unseemly dispute closed with a modified admission from the secre-

* Commons' Journals, i. 826.

tary, that strictly speaking it could not perhaps be said that Sir Henry had advised staying the ship, though certainly the stay was confirmed on his advice.* Marten never had been forgiven by the duke and the secretary since his speech in the former parliament, and this was now but the first payment of the grudge they bore him.†

Passing this personal dispute, however, Eliot kept attention fixed to the various facts in the case implicating the duke, his agents, and his officers. He pressed so strongly the imputation of dishonest dealing with the Frenchmen that Sir James Bagg was at last impelled to address the house, and to deny that he had been a party to any composition for the coin seized by the admiralty marshal. That speech was delivered in the afternoon of Wednesday; and on Thursday morning the 2nd of March, on the motion of Eliot, Mr. Gabriel Marsh was brought to the bar by the serjeant. As marshal of the admiralty he could not deny that the money taken had been handed to the duke. He could not state its exact amount because it was "sewed up in a girdle." He confessed that besides the gold and silver, pearls and emeralds had been seized, and "the pearls and emeralds he hath still." He did not attempt to conceal that "it was by Sir James Bagg's persuasion" he fought to effect a compromise with the Frenchmen, upon the final decision of the admiralty court in favour of the ship. He had offered 80/, and "still thinketh it to be more than the pistolets came to." Had he offered less, then? He was pressed upon that point. Had the Frenchman charged him, in the presence of a member of that house, with having offered as little as 5/? He was unable so far to tax his memory; whereupon Eliot rose and informed the house that he had himself been present, in Plymouth, at a conference of these unfortunate French-

* "That he said not, Sir H. Marten gave advice for staying of the ship; but that the stay was confirmed upon his advice." *Journals*, i. 827.

† See *ante*, 335-337.

men with the duke's officers, when "the Frenchman affirmed to Mr. Marsh his face, that he first offered him "5*l*, and then 10*l*, and so did rise by fives till he came to 80*l*." Worthy Mr. Gabriel Marsh had hoped to do honour to Sir James Bagg in his own despite by fathering a handsome proposal upon him, and now Eliot turned the laughter and scorn against both. He seems to have had little difficulty in obtaining a vote that day ordering "the duke to be apprised that the house desires "to be satisfied why, after the legal discharge of the "Peter, the same was again stayed."*

On Monday the 6th of March, the duke appeared at the bar accordingly, represented by Heath the attorney general, to explain what was required of him. He admitted the order at the council board for discharge of the ship, and his own direction for her stay; but the latter was not given, he said, until after consultation with, and authority from, the king. He had also fortified himself, before interference, with the sanction of five or six learned civil lawyers. The judge of admiralty had no doubt declared that proofs would be required to make the second stay legal, and upon failure of those proofs the ship had been restored. What more did the house desire? Already the French had done mischief to English commerce greater than any of which pretence on their part had been made. He protested against their carrying further what was "not now a particular or personal "cause but a national controversy." After the attorney general had ceased, many members spoke, and conspicuously one of the western gentlemen, the duke's and Bagg's friend Mr. Drake; but though extraordinary exertions were made to drop the affair at this point, and the inconvenience of proceeding with it after the special averments made was vehemently pressed by the king's servants in the house, it was ultimately referred "to the "committee to consider of the answer of the attorney

* *Journals*, i. 829.

“ general as to the second stay of the St. Peter of New-
“ haven.”

From that committee Eliot reported on Saturday the 11th of March, to the effect that they found the second stay of the ship unauthorized by any information communicated by the lieutenant of the Tower or any other person ; that the manner of such a stay was a grievance ; and further, that wrong had been done by the unlawful taking away of divers goods, silver, and jewels, at Plymouth, committed to the custody of one of the lord duke’s servants, and not restored at the first discharge of the ship.* Upon this a warm debate followed, occupying the entire morning, renewed in the afternoon, and prolonged beyond the ordinary time of the house’s sitting, when a division was called for. Eliot and his friends resisted this, but it was finally passed, and the journals record the result. “ Upon great doubt whether a question “ shall now be made whether the second stay of the “ Peter, after Admiralty decree, was a grievance or no, “ the question being twice propounded, and the voices “ doubtful, the house divided. The Yeas went out, Sir “ John Eliot and Sir Dudley Digges, 127, the Noes remained, Mr. Drake and Sir George Moore, 133.” The duke’s friends had mustered in such force, had played their game so well, had laid such pressure from the king upon the moderate and doubtful votes, and with so much dexterity had pressed the division at the close of a very long debate, that in a house reduced to 260 members they obtained a majority of six.

Eliot did not renew the struggle on the special ques-

* Among Eliot’s papers there exist still his several collections of evidence made for these reports, apparently taken down by himself from the lips of the various witnesses, carefully arranged and analysed afterwards for use, and in which the identification of the duke and his agents with the malpractices complained of is brought out with irresistible clearness. Eliot’s questioning is remorseless. He makes the deputies and collectors confess that access to the great duke at all hours, at his “ mornings,” at his “ dinners,” at “ night,” had never been denied them in regard to this business ; and they establish his grace’s eagerness to carry his own objects in connection with it.

tion until Monday the first of May. He had meanwhile conducted all the conferences, as to the embargo laid on British ships and goods in France; had assisted Selden in contesting the power of "excommunication" claimed by the ecclesiastical courts, in dispute of which several papers of his still remain; had been active in promoting the bill (passed the 25th March) for restitution in blood of Raleigh's son; had moved and presided at a select committee to search precedents for "Doctor Turner's case;"* had obtained the house's consent to a select and secret committee of twelve members for final preparation of the duke's impeachment; and exactly a week before had carried a decision against the duke, in a house of 396 members, by a majority of sixty,† on which "occasion Sir James Bagg and Mr. Fotherby" were commissioned to make his grace acquainted with the resolution of the house, and that all the charges had been voted against him. All but one; and this, declaring the second stay of the *St. Peter of Newhaven* a grievance to the subject, was voted on May-day in a house of 333 members, by a majority of 37.‡

The king appears deeply to have repented this, and an attempt to reverse the decision was made on the following day. It failed; and again, on the charges being tendered in a legal form to be read, Sir Dudley Carleton, the vice chamberlain, rose and made an urgent appeal. The charge as to the *St. Peter*, he said, was not fit to be transmitted to the lords. "It will not prejudice the duke, for the king avoweth the act. This ship is restored, and in France; yet our goods and ships have not been restored, but more strictly restrained than heretofore. Doubteth the ambassador of France hath practised to incense this house, to the French's benefit and the loss

* *Journals*, i. 839.

† *Journals*, i. 849.—Yea, 228; Noe, 168.

‡ *Journals*, i. 852. Wentworth did not sit in this parliament, but his intimate friend, Wandesforde, was one of the tellers for the majority.

"of the English." To which the only reply now made was to reaffirm the charge. The vice chamberlain's closing allusion, it will hereafter appear, was directed against Eliot; and when, a little later in the session, it was sought to justify the outrage of his imprisonment, one ground stated for distinguishing his case from that of other members was, that in this matter of the Newhaven ship he had been actuated by personal motives, and had given preference to the French over his own countrymen.

"For if it please you to remember," said Sir Dudley Carleton, defending before the commons the continued detention of Eliot in the Tower, "when I moved for putting of the St. Peter of Newhaven out of the charges against the Duke of Buckingham, and showed my reasons for that purpose, you know how tender Sir John Eliot was of it, as if it had been a child of his own; and so careful in the handling thereof by a stranger, that he would not suffer it to be touched though with never so tender a hand, for fear it might prove a changeling."

Eliot could not have received a higher tribute to his statesmanship. Nothing pressed against Buckingham takes so grave an aspect, or appears fraught with consequences so disastrous, as this which Carleton would have turned into a reproach against Eliot. Viewed from the distance at which we stand, much that aroused against the favourite the bitter animosity of his contemporaries has lost all power of awakening ours, and to some of the charges embodied in his impeachment we listen now with a calmness disproportioned to the passion they then provoked. But the crime of driving two great nations into war by acts of reckless imprudence, profligate selfishness, or diseased vanity, seems to us larger rather than less by the lapse of time; and we can understand why Eliot should have retained with so relentless a grasp, and why Selden should have selected as that part of the impeachment he

was himself most eager to maintain, the charge of the unlawful seizure of the St. Peter of Newhaven.

V. ELIOT AND THE KING.

Monday the 27th of March, the king's inauguration day, had now come. Sir Dudley Digges was to report from the committee on the king's supply, Sir Benjamin Rudyard was to make a formal proposition thereon, and Sir John Eliot was to offer such personal offence to majesty as even he had yet failed to give.

After some difficulty the question put before the house took the shape of a suggestion for three subsidies and three fifteenths. This was a large sum; but the speech of Rudyard, who assumed his old character of mediator and moderator, showed anxiety rather for the manner than for the substance of the gift. Whatever was voted, he said, should be voted at once, if they desired happy issue to their deliberations. He had no wish to raise "panic fears," but the state of christendom was daily more alarming. And then he went into the story so often told, and now with small variation told once more, of the German catholic league and the operations upon it by way of diversion, and how English help had become more than ever important, to support Denmark, to encourage the Hollanders, and to engage the Swedes. All would be lost if they did not now vote supply. Sir John Strangways, the member for Weymouth, rose after Sir Benjamin, and expressed dissatisfaction at the extent of the proposed vote, seeing that the demand at Oxford had been for only forty thousand pounds. He thought the present guarding of the coasts to be dangerous as well as insufficient, and wished they could get back the trained bands who in '88 had guarded them. However, if supply was to be given, their grievances must go hand in hand. The good Sir Thomas Grantham's sole objection to the pro-

posal was in the matter of fifteens, which, as likely to be burdensome to the poor, he would rather give in other form. Sir Henry Wallop, member for Hants, for the same reason would have had the vote taken for four subsidies. Mr. Spencer, who sat for Northampton, thought three quite sufficient, even omitting fifteens. Mr. Wandesforde inclined to the original proposal. Sir George Moore, who had lately shown leanings to the court, did not object to the vote as proposed, having been much moved by the considerations submitted to them by the worthy knight who opened the business.*

At this point, when the debate was on the balance, and there seemed some wavering from the point to which Eliot's former speech had fixed them for the time, of not giving until their grievances should have received answer, Eliot rose once more, and again displayed the orator's highest qualities of influencing, controuling, and guiding his audience. Nor least effectively perhaps in his pleasant opening as to Rudyard, where one may see in him, even at this serious time, a humanity of nature not entirely proof against that lowest of intellectual enjoyments to which the highest intellects are prone. However "punic" Sir Benjamin's "panic" might have been, the little treachery or artifice was not likely to survive the turn thus whimsically given to it.

"Sir," said Eliot, with allusion to their sovereign's accession to the throne, "This day was begun with a happy auspice, and I hope we shall give it as happy a conclusion. Though our debate may be with some variety of opinions, yet I doubt not but our resolutions will be one; and that what difference soever there may be in particulars, we shall concur wholly in the general for the good of the king and kingdom; to that directing our motions as to their centre, where we shall fix our period and rest. The gentleman that at first,

* *Eliot's Notes*, N. 5, fols. 9 b. 10, and 11 a.
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“ with the advantage of the time, did induce this propo-
“ sition for supply, made a fine insinuation by discourse
“ of the state and affairs of christendom ; inferring from
“ thence, out of their relation to us, the dangers we are
“ in ; and so pressing the necessity of our aid, that thereby
“ the king might be enabled to resist them. Wherein
“ as his protestation was that the fears which he pre-
“ tended were not *panic*, I shall add this, too, in honour
“ of that gentleman, that I hope they are not *punic*. I
“ hope they were not used as artifices to move us from
“ the fixed station of our reasons. With satisfaction
“ unto him and the whole world besides, let us observe
“ and note them as things worthy consideration and
“ respect ; but not of such necessity and haste as should
“ decline the gravity of parliament, and the due course
“ of our proceedings. Let us therein retain still the pre-
“ servation of our orders and examples, the dignity and
“ wisdom of our ancestors. Sir, a special respect, in this
“ proposition that is made, must be to the *ability of the*
“ *subject* ; what power he has to answer the occasions of
“ the king. For I remember a story of Themistocles,
“ that when, for the service of the Athenians, he required
“ certain monies of the Adrians who were then tribu-
“ taries to that state, he was answered that they were
“ denied to furnish him by the two great goddesses of
“ their country, *poverty and impossibility*. Under that
“ sway were they then ; and such powers have no resist-
“ ance. If there should be the like divinities with us,
“ certainly, if we now refuse as they did, our excuse were
“ as lawful. But to know this, we must first look upon
“ the condition of the kingdom and the state. That
“ being known in truth, and compared with the occasions
“ that are extant, will best give a direction to our judg-
“ ment. Therefore, with this should we begin. Through
“ that perspective must be shown the power and ability
“ we are in ; for, whatever we intend, the ability only
“ can crown our purposes. Without it, all the promises

“ we make will be of none effect. This, then, I propose
“ to consider in two particulars; of estate and of will. For
“ though the latter be not properly an ability, but a dif-
“ position, yet because it is that which must give motion
“ to the other, I shall so call it here, and give it some
“ few observations out of the reasons of these times and
“ from the example of the elders. For the first, the
“ ability of estate, I will not speak much singly by itself,
“ but as it shall happen by mixture with the other. For,
“ though many things might be urged of dilation to this
“ point, upon the present condition of the subject, yet I
“ am confident there shall never want ability in England,
“ or in Englishmen, to supply the king with aid neces-
“ sary and fit for the advantage and support of all his
“ just occasions. But in ability of will ; how the people
“ stand disposed, how they are affected ; there are many
“ things observable for our affairs abroad and for our
“ affairs at home. And first for those abroad in our late
“ expedition to Cadiz. That was the first action of the
“ king, and such first acts are not of least importance.
“ Thereupon depends, as Tacitus has observed, the fame
“ and expectation of whatever are to follow. Honor and
“ contempt take their originals from thence ; seldom
“ afterwards changing, and that not without great diffi-
“ culty and adventure. In this first expedition unto
“ Cadiz, then, for which such preparations had been
“ made, such immense provisions, such money buried in
“ the employment, what has been the result ? What
“ encouragement from thence have we to render to the
“ subject ? What grounds of persuasion for the like ?
“ You have heard often what men and shipping have been
“ lost, as if they were offered as a sacrifice to our enemies.
“ How our strength and safety have been impaired by
“ that miscarriage and adventure, is too known to all
“ men. Sir, more than this, that inestimable jewel of
“ our honour, which our fathers prized so highly, has
“ been thereby cracked and blemished ! I dare not say

“ it is broken, but the lustre of it is gone ; and what was
“ our greatest riches being thus decayed, makes us less
“ valuable with our neighbours. Now, these great de-
“ signs we know were undertaken, if not planned and
“ made, by that great lord the Duke of Buckingham.
“ He assumed the name of general ; he drew to himself
“ the power and sole command of all things both for sea
“ and land ; nevertheless you know he went not in the
“ action. Fixed upon the person of this lord general was
“ the entire design ; he had the whole command by sea
“ and land ; and yet he thought it sufficient to put in his
“ deputy and stay at home ! That for which the whole
“ kingdom must be troubled was not thought worthy of
“ his person ; but a deputy, a substitute, must discharge
“ it ; and what encouragement that might give to the
“ affections of the people, I leave to all men that have
“ reason to determine. But was this our first miscarriage ?
“ Before this, Sir, we had the action of Count Mansfeldt,
“ and that was so miserable, and the men there sent so
“ managed, as we can hardly say they went. Sure it is
“ that they did nothing, and yet how few returned !
“ The handful likewise which was sent to the Palatinate,
“ not seconded nor supplied, it is known what fortune
“ they achieved. I might speak also of the action to
“ Algiers and others of that nature, and ask *who it was*
“ that in all these had the king’s ear at pleasure, and
“ fashioned reports and propositions at his will ? We
“ might remember, too, besides these actions and engage-
“ ments, the treaties and negotiations that have been ;
“ the infinite expense they have cost and the nothing
“ they returned. Nothing, but loss and dishonour to our
“ nation ! And from it all such discouragements might
“ well arise now, considering the abuses of ministers yet
“ too potent, as, should a supply not be forthcoming at
“ this time, might justly make apology for the subject.”

This was the most daring because the most undisguised
attack that had yet been made upon Buckingham ; and

coming so immediately after the king's peremptory mandate against further questioning of one so near to him, some doubted at the first if it were "timely." So a private letter tells us. But Eliot had taken truer measure of the time. He had seen the necessity at once of bringing back and fixing consideration to the point in which alone any hope now rested for them. They must break the favourite who must otherwise break them. It was not within possibility, after the inquiries opened and the results already obtained, that there should be any middle course or bargaining. The time was passed for it. That he or they must fall, Eliot knew now to be the only issue, whatever time must elapse before determining it; and when he had finished the house knew it too.

Some gentlemen, he went on, might say to him that those businesses of which he had spoken were foreign and forgotten. Well, he would turn then "to their own particular business, the affairs at home, and the present administration of them. Sir, what satisfaction, what liking can be rendered, what encouragement, what heart, what affection, can it give, to that which is required? The oppressions, the corruptions, the exactions, the extortions, are so infinite as almost no part is free! Nay, hardly a man but has some cause drawn from those abuses which doth both dishearten and disable him. Honours made marketable! judicial places sold! and—what further shall I say? If justice itself is sold in turn, shall we not in fairness acknowledge the rule *vendere quæ emeris gentium jus esse*? Cicero, in one of his orations against Verres, tells a story of how the provinces on a time were petitioners to the senate that the law for which they had themselves petitioned, *de pecuniis repetundis*, by which all the corruptions of their officers had been made punishable, might be repealed again. The senate, when they saw the scope of this second petition, began to wonder at the thing, and desired to know the reason

“ why the repeal was sought of that which had been
“ granted only in favour of themselves. But when they
“ heard the answer they were satisfied, that though it
“ was true the law had so been intended, yet the success
“ was otherwise. They found that those officers before
“ the law passed, not having the fear to be questioned,
“ had made their exactions simply for themselves, and
“ for the satisfaction of their own private families and
“ fortunes ; whereas now, bent still upon the old practices,
“ but held ever in terror by the law, they were
“ enforced, besides providing for private friends, to make
“ themselves friends at court, to procure themselves advocates,
“ to procure themselves patrons, nay, to corrupt
“ the very judges for self-protection and defence if their
“ cause should come in question. So that they who before
“ made only single exactions for themselves, now
“ did double their oppressions to that height, multiplying
“ likewise the injuries with the occasions, that the
“ spoil of the provinces seemed to be divided solely
“ amongst them. Very natural, then, the reason of
“ complaint which had so surprized the senate. But
“ what application might this now have to us ? How
“ does it fort with the experience of these times ? Why,
“ Sir, were not the truth and dignity of the author without
“ question, it might be taken rather for a prophecy
“ of ours than for a story of that age. We do not suffer
“ only for the satisfaction of one kind of wrongdoers,
“ but what is exacted in turn from our oppressor is made
“ part of the oppression upon us ; we feed not only the
“ inferior and subordinate persons, but the great patrons ;
“ and that which should be our safeguard is turned to
“ our further wrong. The description of Cicero is so
“ like to the practices with us, that it seems to be a mere
“ character of *our* sufferings. What oppressions have
“ been practised are too visible. Not only oppressions
“ of the subject, but oppressions on the king. His treasures
“ are exhausted, his revenues are consumed, as well

“ as the treasures and faculties of the subject; and
“ though many hands are exercised, and divers have their
“ gleanings, the harvest and great gathering *comes to one*.
“ *For it is he who must protect the rest*. His countenance
“ draws all others to him as his tributaries; and by that
“ they are enforced, not only to pillage for themselves
“ but for him, and to the full proportion of his avarice
“ and ambition. This makes the abuse and injury the
“ greater. This cannot but dishearten, this cannot but
“ discourage, all men well affected, all men well disposed
“ to the advancement and happiness of the king. Nor,
“ without some reformation in these things, do I know
“ what wills or what abilities men *can* have to give a new
“ supply.”

Eliot paused at this point for a moment. He held up before the house, in old rolls of parliament, two precedents to which he desired their attention, proposing thereby to illustrate, from the elder time, that subordination of the power to the will of the subject in respect of ability to contribute, and that necessary subjection to both of the will and the wants of the sovereign, which formed now their only rule to follow. He would show them, in one and the same sitting or session of that house, a supply refused and then granted; refused before redress of grievances, but granted upon redress. They were not to suppose therefore, that his object, by what he had put before them, was to stop the proposition. “ Sir, “ that is not my intention. I will vouch from these precedents of our ancestors in old times, two denials in “ like cases, wherein yet they concluded with a grant. “ In the beginning of the parliament, as I would have it “ now and for like reasons, *they refused*; yet in the same “ sitting they consented, when, upon remonstrance of “ their burdens and necessities to the king, they had “ satisfaction in their particular grievances, which were “ so like to ours in all things but the time that I hardly “ can distinguish them. The first precedent was in

“ 16th Henry III, when the commons, being required
 “ to make a supply unto the king, excused themselves;
 “ because, says the record, they saw all things disordered
 “ by those that were about him. But when, upon their
 “ advice, he had resumed the lands of the crown that
 “ were unjustly and unnecessarily given away; when he
 “ had yielded his ministers up to question; when he
 “ had not spared that great officer of his court, Hugh
 “ de Burgh, a favourite never to be paralleled but now,
 “ having been the only minion both to the king then
 “ living and to his father which was dead!—when they
 “ had seen, as another author says, those sponges of the
 “ commonwealth squeezed into the king’s coffers; then,
 “ though they had formerly denied it, they did freely
 “ grant an aid. Yes, Sir, in the same sitting wherein
 “ they had refused, our predecessors in this place, having
 “ for their king’s good received satisfaction in what they
 “ desired, did at length consent, and in such measure
 “ and proportion as the king himself confessed it was
 “ more than enough. The second precedent was in 1st
 “ Richard II, and herein I shall desire you to observe
 “ the extraordinary likeness of some particulars. First,
 “ for the placing and displacing of great officers. Then,
 “ within the space of two years, the treasurer was
 “ changed twice, the chancellor thrice, and so of others;
 “ so that great officers could hardly sit to be warmed
 “ in their places. Now, you can ask yourselves how it is
 “ at present, and how many shifts, changes, and rechanges
 “ this kingdom can instance in like time to parallel with
 “ that.* Secondly, as to monies. I find that then
 “ there had been monies previously granted, and not ac-
 “ counted for; and you know that so it is yet with us.
 “ Thirdly, there were new aids required and urged, by
 “ means of a declaration of the king’s occasions and
 “ estate; and this likewise, as we know, agrees with our

* The reader will remember, in connexion with this passage, the letter
 of Wentworth’s correspondent in a previous page. *Ante*, 466.

“condition. Yet then, because of these and other
“exceptions made against De la Pole, the Earl of
“Suffolk, the minion of that time, of whom it was
“said that he had misadvised the king, misemployed
“his treasures, and introverted his revenues, the supply
“demanded was refused, until, upon the petition of the
“commons, *he was removed both from his offices and the*
“*court.* A commission likewise was at the same time
“granted for the rectifying of the king’s estate; and
“because this imported an excellent intention and pur-
“pose of that parliament, though it had not the success
“and fruit it merited, I will be bold briefly to observe
“the heads and grounds it had. Upon which you will
“make your own inferences and judgement. It begins
“thus:” and Eliot read from the roll he held.

“ ‘Whereas our sovereign lord the king perceiveth by the grievous
“ ‘complaints of his lords and commons, that his profits, rents and reve-
“ ‘nues of his realm, by the singular and insufficient counsel and evil go-
“ ‘vernment of &c. be so much withdrawn, waisted, alienated, given,
“ ‘granted, destroyed, and evil dispended, that he is so much impoverished
“ ‘and void of treasure and goods, and the substance of the crown is so
“ ‘much diminished, that his estate may not wholly be sustained as ap-
“ ‘pertaineth, &c. and the king of his free will, at the request of the lords
“ ‘and commons, hath ordained, &c. to examine as well the estate and
“ ‘government of his house, as also all the rents, revenues, and profits, &c.
“ ‘and all manner of gifts, grants, alienations, and confirmations, &c. of
“ ‘lands, tenements, rents, &c. bargaining or sold, to the prejudice of him
“ ‘and his crown; *and of all jewels and goods which were his grandfather’s*
“ ‘*at the time of his death, and where they be become, &c. &c.*’

“Now, Sir,” exclaimed Eliot, breaking suddenly off
from both his precedent and argument as he closed the
reading of this last ancient roll, “if there were but such
“a commission here with us! That we might examine
“the revenues of *our* king! That we might view that
“ancient garden, and those sweet flowers of the crown!
“That we might see them, even what they are now be-
“come, and how, the enclosure being let down, it is
“made a common pasture! Would that such a com-
“mission might be granted, if only that we then could
“search for the treasures and jewels that were left by

“ that ever blessed princeſs of never-dying memory,
 “ queen Elizabeth! Oh, thoſe jewels! the pride and
 “ glory of this kingdom! which have made it ſo far
 “ ſhining beyond others! Would they were here, within
 “ the compaſs of theſe walls, to be viewed and ſeen
 “ by us, to be examined in this place! Their very
 “ name and memory have tranſported me.”

Bitter offence was taken by the king at Eliot's uſe and application of the two incidents of Engliſh hiſtory thus cited by him. With quick paſſion he reſented them, and with reſtleſs anger again and again returned to them; inſomuch that men came afterwards to refer to this memorable ſpeech as “ that in which the two precedents were “ quoted.” * Nor was it the cloſeneſs and pungency of the parallel that perhaps ſo much affected him, as the paſſionate reference the orator had thence ſeized occaſion to make to that late attempt to put the crown jewels into pawn † wherein Charles was not leſs deeply implicated than Buckingham. Remarkable certainly was the daring, and not leſs remarkable the ſenſe of the neceſſity, which could have prompted at the moment ſuch an outburſt as that!

More collectedly he reſumed. “ But I muſt recall
 “ myſelf to the labour of this day, repeating only that
 “ if ſuch a commiſſion were now extant and addreſſed
 “ to thoſe that faithfully would execute it, ſuch advantage might it render to the king as would remove
 “ all need to preſs ſupplies from us. And now, taking
 “ up the obſervation which I left, this commiſſion
 “ being granted in that ſecond Richard's time, and the
 “ favourite being removed, parliament conſented to the
 “ aid; and, as in the former caſe, in the ſame ſitting
 “ wherein they had reſuſed it. Upon ſuch reaſonable

* It is ſo deſcribed in an imperfect MS. abſtract in our record office under date 29th March, 1626.

† See *ante*, 451. It was for this Buckingham had gone with Lord Holland to the Hague.

“ satisfaction, tending only to the king’s good and
“ benefit, they at last granted and accorded it ; and left
“ the example to posterity *that always to comply is not*
“ *the duty of a counsellor*. Upon these observations
“ of our elders, then, to draw a conclusion for our
“ own time, what shall we now do ? Shall we refuse the
“ aid that is required, or shall we delay it till there may
“ be satisfaction given in such things as we reasonably
“ desire ? We will not refuse it. No ; I would not
“ doubt the justice of his majesty therein ; I would
“ retain a confidence of him equal to his goodness ; and
“ that confidence, I doubt not, will be more prevalent
“ than persuasions. *Fidelem si putaveris, facies*, saith
“ Seneca. That confidence of ours will make him-
“ self, I hope, more confident of us ; and, so, our con-
“ currence easier in all matters and affairs. In the
“ assurance of which, let us now do as our fathers did
“ before us. Let us present our grievances and com-
“ plaints, that the satisfaction given in them may pre-
“ pare the affections of the people ; but in the mean time
“ let us so far yield to the proposition for supply as to
“ make a formal promise of the aid which is so urged by
“ the king. But for the act itself, for the passing of the
“ subsidy bill, that may wisely and well have leisure to
“ attend the despatch of the rest of our affairs ; to
“ which I hope our vote will be as auspicious as in the
“ beginning this day was prophesied to the parliament.
“ For the amount, the three subsidies and three fifteenths
“ which are proposed, I hold the proportion will not
“ suit with what we *would* give, but yet I know it is all
“ we are able to do or *can* give. And yet this is not to
“ be the stint of our affections, but that we should give
“ more upon just occasion. Sir, from the result of our
“ deliberations I desire may be derived a full stream of
“ happiness and felicity both to the king and kingdom.”*

* From the original MS. at Port Eliot. A brief and very imperfect abstract in *Rushworth* (i. 220-1), which has been reprinted in the old

Upon Eliot's resuming his seat, amid the excitement his speech had occasioned, Sir Robert Harley, member for Herefordshire, thought it necessary to protest for himself that such paralleling of times would be referred to persons, and so he had doubts, which he could wish the house might resolve, whether that might not reflect upon the king. Eliot to this merely rose again and said, that "his "parallels were not of the persons of kings but of their "instruments;" and the house, brought fairly round to his own temper, would permit for that time no further question thereon. Sir Humphrey May indeed made earnest though unavailing appeal against the course propounded by Eliot, which, he said, though not in terms of condition, would be held tantamount thereto, and such as might not be put to a sovereign; pointing out to them that the entire vote suggested would not be more, at the existing rate, than two hundred and fifty thousand pounds; and imploring them in any case to give without limitation whatever they might please finally to determine.* The reply of the house was a vote nearly unanimous "that "three subsidies and three fifteenths be granted to his "majesty in this session of parliament, payable at three "separate times; *the bill to be brought in when we shall "have presented our grievances and received his majesty's "answer thereto;*" and to this resolution, from that time onward, they steadily and persistently adhered.

Next day the king sent to request the houses to attend him on the following morning at Whitehall; † whither accordingly, at nine o'clock on the 29th of March, both houses went. He had brought them together, he

Parl. Hist. (vi. 441), but, strange to say, has been wholly omitted by the editor of the more recent collection of parliamentary debates, is all that has hitherto been known of this memorable speech, which had effects of such historical importance.

* *Eliot's Notes*, N. 5, fol. 10, b.

† *Eliot's Notes*, N. 6, fol. 17, a. They had just met on the Tuesday morning, it would seem, when the message reached them, not only desiring their attendance next day but that all proceedings meanwhile should cease. Upon which "the house adjourned till Thursday morning by itself."

then told them, for very distinct reasons. He had to give thanks to the lords, but none whatever to the commons, whose faults and ill conduct it was his purpose, then and there, through the mouth of his lord keeper to expose. Whereupon Coventry made a long speech, telling them that the condition they had appended to their vote of subsidies was a dishonour to his majesty; that the conduct of their debates had been insufferable, in permitting his greatest servant to be traduced by men who neither by years nor education could attain to that depth; that, even on the day of his inauguration, they had in that manner allowed his council, his government, and his servants to be paralleled with times of the most exception; that this violation of royal rights under colour of parliamentary liberty was not his view of the uses of a parliament, to which he would grant "*liberty of council but not of controul*;" that he must command them, therefore, to cease their unparliamentary inquisitions; that if they did not vote a sufficient and unconditional supply, they must expect to be dissolved; and that he should expect their final answer (it was now Wednesday) on Saturday next. "Remember," said the king, indorsing with angry rudeness the insulting dictation of Coventry, "remember that parliaments are altogether "in my power for their calling, fitting, and dissolution; "and therefore, as I find the fruits of them to be good "or evil, they are to continue or not to be."

Sir Robert Cotton could have produced no precedent, in his records of eight hundred years, for such a pretension as that. The forms of the constitution all men knew; but that they could be applied to the entire abolition of parliaments, no man had ever suspected. When the commons again met the following morning, there was much excitement and some consternation;* and

* Made to Stuteville, 31st March and 8th April, 1626, among the Birch transcripts in the Sloane MSS. of the British Museum. When I published my first sketch of Eliot, I referred to those transcripts in the

they sat with locked doors, placing the key in the speaker's hands so that no member should quit the house, a practice then very unusual.* But, amid the agitation, Eliot appears to have preserved both his determination and his temper. Heretofore what passed at that sitting has been known only through one of Mede's letters to Stuteville,† but I can now supply some-

following note: "There is no mention of this in the debates, but I have it "on the authority of a manuscript letter in the collection of Dr. Birch. "I may take this opportunity of stating that that learned person had with "his own hand transcribed for publication, from the Harleian and various "other collections, a vast number of letters illustrative of the reigns of "James I and Charles I; but which remain to this day on the shelves of the "Sloane collection, as the transcriber left them. Their arrangement and "publication would confer a valuable service on history; yet I fear there is "no prevailing encouragement for undertakings of this sort. It is to be "regretted." Twelve years after that remark was made, in 1848, the publication took place (see *ante*, 149, note), but was unfortunately very ill done. I take the opportunity of reprinting another note made by me at that time, on the occasion of repeating a curious fact stated by M. Guizot, that in 1791 there had appeared in Paris a French translation of Mrs. Macauley's history, purporting to be an original work by Mirabeau. "It is singularly "honourable to the French nation, that M. Guizot has found encouragement enough to make it worth his while to publish for the use of "his countrymen a series of translations of original memoirs of the times "of the two great English revolutions (*Collection des Mémoires relatifs à la "Révolution d'Angleterre, accompagnée de Notices et d'Éclaircissements Historiques*), amounting to twenty-eight octavo volumes. Such a collection "would be invaluable to the historical inquirer in our own country; but "where is the public patronage that would bear out any English bookseller "or English man of letters in such an undertaking?" Since that period M. Guizot, unhappily possessed of leisure only too ample, has made large additions to the illustration of this period of our history, by the completion of his account of the Revolution to the death of Charles, by his life of Cromwell, and his narrative of Richard's Protectorate; and every student of the time will find his account in thoroughly acquainting himself with these important and able books. It is not surprising that the interest with which intellectual men in that great country of France have ever regarded the English struggle for freedom against the Stuarts, should have increased of late years; and I may be pardoned for saying that from no quarter have the contributions lately offered by me to the better understanding of it, in such books as the *Grand Remonstrance* and *Arrest of the five Members*, obtained more intelligent recognition than from French men of letters.

* *Rushworth*, i. 225.

† *Ut supra*, Brit. Mus. Transcripts. In a letter of the same correspondent of twenty days' later date, the proposed iniquitous attack upon Cotton's library, which, when it actually came a couple of years later,

thing further from one of Eliot's notes. "As soon as they were met again," writes Mede, "Sir John Eliot rose up and made a resolute speech, the sum whereof was, that they came not thither either to do what the king should command them, or to abstain where he forbade them; and therefore they should continue constant to maintain their privileges, and not to do either more or less for what had been said unto them." Eliot's own note is more ample but to the same effect. All business having been stopped, he remarks, and the house resolved into grand committee, Sir John was called up. He said that in his majesty's speech were three generals, and he should make reply thereto. The first, a touch at their proceedings, on the ground that they had not been parliamentary. The second, a suing at the retrenching of those privileges by which alone they sat there. The third, a demand for increase of supply, arguing neglect in them of what was fit to have been done. To the first he had to answer that the course they had taken was warranted by all former precedents, their examinations having proceeded under such legal direction as all courts used and resorted to; and for that wherein he had been himself brought into question, the paralleling of times made lately by him, he was as clear to his own conscience; wherefore he hoped confidently that all in general would conceive he intended nothing by those precedents adduced but the honour and safety of his majesty. To the second he replied that the privileges of that house retrenched not the prerogative, but advanced the sovereignty and honour of the king; whereas, on the contrary, what might they say to the claims put forth for the prerogative? His majesty's commandment upon them not to

broke the heart of the learned and generous antiquary, is first shadowed forth. "Sir Robert Cotton's books are threatened to be taken away, because he is accused to impart ancient precedents to the lower house." The threat was beyond doubt connected with the two precedents vouched by Eliot, which had so embittered the king's resentments.

touch by any inquisition or examination that great man so near to him, was *ex diametro* opposed to the principles of their liberty. It had been the constant use of that house in all cases, and against the greatest subjects, to examine into whatever abuses might have tended to the danger of the public; and therefore to the third point, concerning supply, he could only answer that till they were resolved in that matter of the right to make inquisition into the conduct of the minister, it was not possible for them with any freedom to enter into debate for a subsidy.* He would in conclusion move for a committee to consider of a remonstrance upon these points to the king; and amid cries of "Well spoken, Sir John Eliot!" the committee was forthwith named.

Word meanwhile had been carried to the king of the attitude taken up by the commons, and a line added by Eliot to his mention of the remonstrance shows how prompt must have been the misgivings at Whitehall on that note of alarm. "Defer it upon message from the lords touching some explanation." A message so urgent, that in that same Thursday afternoon both houses were again in conference listening to what Mede, in a letter to Stuteville, calls a fair and submissive speech from the duke in the king's presence, of which the object was to expound his majesty's meaning about supply to have been, that if they could not conveniently do it by Saturday they might take two or three days more; and, in apology for himself against those accusations which common fame was about to prefer against him, to assure them that he had been anxious to have the narrow seas well guarded, that he had really been reluctant to take the admiralty on the score of his youth until pressed by

* *Eliot's Notes*, N. 6, fols. 17, b, and 18, a. Also N. 5, fol. 11, a. At the close of the note in the first of these records there is a remark by Eliot which would seem to imply that the notes were partly taken from the rough book used by the clerk as memoranda to be transferred in more regular form into the journal. "Upon this," he writes, "a note in the margin of the 'journall, it being crost in the lease: *This to be entred in the comtee book.*"

Manfel,* that he had desired extremely to lead the Cadiz expedition but was commanded otherwise by the king, and in conclusion, after a request to them to be more charitable, saying that if any man in especial blamed him, he did not blame that man, but thought he had done well.

Eliot was not moved by this allusion intended for himself. Only "those that were indifferent or not much "his enemies," says Mr. Mede, appeared to be satisfied. It was indeed, even though it had not been so manifest a pretence, too late. As the duke stood there, with the monarch by his side, speaking in the name of the state and apparently unconscious but that it was of right self-contained in his person, he embodied in visible form that very cause of offence which in the humility of his language he affected most to deprecate, and which the commons were now pledged to abate. He was as much an anachronism as the lord keeper's exposition of the constitution, and it was too late to protect either the one or the other. In less than a week, the commons' remonstrance was presented to the king. It vindicated Eliot and his precedents; and as to Buckingham, claiming it for their constant and undoubted right to enquire into the abuses of power, it announced their intention, in whatever ultimate form they might prefer their accusation, to proceed no otherwise in any particular but by ground of knowledge in themselves or proof by examination of witnesses.† The king's answer was a request

* The old seaman did not contradict this, and it may therefore be accepted as a fact; but his ample excuse was afforded by what the duke proceeded to state. "Though I objected I was young and inexperienced, "yet he said that *by my favour with my master I might do more good in "procuring payment for that charge &c."* Rushworth, i. 230. Such had become the condition, in this as in all else, since the period of Buckingham's favour, that excepting by his means nothing whatever was possible that needed to be done.

† *Eliot's Notes*, n. 6, fol. 28, b. N. 5, fol. 12, a. In the latter it is stated that Weston made very earnest stand at the last moment "against "naming the D, as fittest to give content to his ma^{ty} the remonstrance "being in generall;" but no alteration was permitted.

that they would adjourn, as the lords had done, over the Easter holidays; and even this came to a sharp division of 120 to 150 upon the question of compliance. From that point the king made no attempt further to resist in the matter; but in a message towards the close of April told them he had "given way to their inquiries about the duke." * It was Hobson's choice with him.

On the twenty-second of that month the question of proceeding by common fame so as to bring the several charges under one accusation, had been the subject of a remarkable debate, when the speakers against that mode of proceeding were Mallet, Browne (the member for Gloucester), Weston, and May; and its supporters were Wilde (the member for Droitwich), Littleton, Wentworth (of Oxford), Selden, Henry Rolle, Sherland, Noye, and Eliot.† Rolle pointed out that a lord of the higher house, not being answerable in the lower house, if they could not present him on common fame he might never be drawn to answer. The civil law and the canons admitted it, said Noye. Without it, said Eliot, no great culprit could be brought to justice. If they might not transmit to the lords upon common fame, then must great men escape through the fear of danger in particular men to bring forward accusations. They had in that place no other way of inquiry. They had no grand jury to present a charge; yet faults were not to go unpunished because no man dared accuse. Selden put the same reason quaintly and pregnantly in the remark that the faults of the gods might not be told till the "terra parens" brought forth fame. The vote declared it a sufficient ground.

The rest of the preparation was quickly made. On the day when that vote was taken the commons had perfected their charge, and advised the duke thereof by two of their members, who delivered to him the various heads

* *Parl. Hist.* vii. 37.

† *Eliot's Notes*, N. 6, fols. 21, a, b, and 22, a.

comprised in it ; and though, four days later, a delay was interposed by Glanville, who moved the insertion of a new article and carried it on division by 191 to 150, all was completed at the opening of May. A message then went up to the lords, desiring, with as much convenient speed as their occasions might permit, a conference for impeachment and accusation of "a great peer of that house."

But though the king had given way to the inquiries about the great peer, his own further inquiries about Eliot and his precedents he had not consented to surrender ; and it will be seen that he resumed them at an early opportunity.

VI. THE DUKE OF BUCKINGHAM IMPEACHED.

To the twelve articles of impeachment originally drawn up against Buckingham, the thirteenth, added on the report of Glanville, charged it as "an act of transcendent presumption and dangerous consequence" that he should have applied remedies in king James's last illness against the order and in the absence of the physicians. This was to be opened by Wentworth's great friend, Wandesforde.

The subjects of the preceding twelve comprised plurality of offices, and appropriation by purchase of the highest employments, entrusted in the first, second, and third articles to Mr. Herbert ; imperfectly guarding the narrow seas, so that the shipping trade was ruined, and corruptly seizing a French ship (the *St. Peter*) under pretence of its being Spanish, so as to provoke French reprisals on English commerce, committed in the fourth and fifth articles to Selden ; detaining East India merchant ships off Tilbury at a critical time as the means of extorting for their release ten thousand pounds from their owners, and delivering English ships for use against the protestants of Rochelle, given in the sixth, seventh, and

eighth articles to Glanville ; selling titles and places of judicature, handed over in the ninth and tenth articles to Mr. Whitby ; and ennobling poor kindred, with malversation of the king's revenue, undertaken in the eleventh and twelfth articles by Pym.*

The votes passed concurrently with the completion of these charges exhibited strikingly the desire of the leaders of the house to deprive the impeachment not only of any colour of mere hostility to the king, but of all pretence whereby it could be characterised as a design to embarrass the conduct of affairs or intercept the supply of the crown. Upon representation of a fall in the value of subsidies, a fourth was added to the three previously voted ; and upon the day when the eight managers were named as above, each having two assistants, to present the articles at conference with the lords, a bill for tonnage and poundage, accompanied by a remonstrance against its past levy without authority, was laid on the table of the house.

Apart from the presentation of the facts of each charge separately, so assumed by the managers, two duties of more importance were reserved. Sir Dudley Digges was to open the proceedings in a "prologue;" and to Sir John Eliot was committed the task of winding up the whole in an "epilogue."

The drama opened on Monday, the 8th of May. Among the assistants to the managers were Noye, Henry Rolle, Mason, Littleton, Rudyard, Sherland, Rich, Kyrton, Strangways, Erle, and Sir William Armyre ; fit places, "to their better ease and honour," were set apart for each ; and strict order had been given for "silence of all the house without expression of any liking or disliking." The conference-chamber was crowded at their entrance, and not a little to the surprise of many it was observed that the duke himself was present.

* Rushworth's account of these matters is not correct. The only safe guide here is the *Journals* of the House of Lords.

Sanderfon describes this as so disconcerting to the speaker of the prologue that it brought him to a full-stop in the middle of his exordium.* The good Sir Dudley indeed, who could speak and write very well when he pleased, had at starting mounted up to such dizzy heights of metaphor, that it was not surprising he should lose his balance easily. Professing to deliver himself in "plain country language, setting by all rhetorical affectations," he compared the monarchy to the creation, the commons to the earth, the lords to the planets, the king to the sun, the clergy to the fire, the judges and magistrates to the air, and Buckingham to a comet, "a prodigious comet." The duke jeered and laughed, say the letter writers; and for a time, in bad taste as it was, his mirth might have had some excuse; but Sir Dudley hit more heavily before he closed, and the speeches afterwards delivered by Selden and Glanville were such as might wisely have given him pause. Nevertheless he continued, from time to time, his demonstrations of unseemly ridicule, until suddenly checked by Digges himself. "My lord, do you jeer?" exclaimed Sir Dudley, with sufficient readiness to do that for another which for himself he had failed to do. "Are these things to be jeered at? My lord, I can show you when a man of a greater blood than your lordship, as high as you in place and power, and as deep in the favour of the king, hath been hanged for as small a crime as the least of these articles contain!"†

With the eighth article Monday's proceedings closed. It was now grown late, and, in the homely language of one the members present, "the lords and all of us

* "Here Sir Dudley made a stand, as wondering to see the Duke present," 42. On the other hand I quote from a curious unpublished account of the proceedings among the MSS. at Port Eliot: "Being all set, Sir Dudley Digges began, standing right against the face and eye of the Duke, for he in his pride would be seen; as it was thought, to daunt or discourage them; but this worthy knight delivered the preamble with excellent grace, boldness, and brave words."

† See Ellis's *Original Letters* (second ed.) iii. 226. An obvious mistake is made by the letter writer in substituting Glanville for Digges.

"were in a sweat with heat and thirsting. We could go no farther. The lords desired that the rest of the charge might be the next day, and so we went all weary home to our lodgings about six o'clock at night."* Nevertheless it was not to be next day; a sudden attack of illness had disabled Mr. Whitby, who was to open the ninth article; and an adjournment had to be proposed to the day following, while Mr. Sherland prepared to take his place. The interval was employed characteristically. So incensed had the commons been, writes Mede to Stuteville,† at the duke sitting there that previous day, outfacing his accusers and outbraving their accusations, that they were become resolute for his commitment to custody pending the issue of the impeachment. This had before been under debate, but was laid aside on the conciliatory message from the king. Again it had been started, on the morning when the charge was taken up; but the court party interposed such delays that to conclude it then was impossible. Now once more, on this Tuesday the 9th of May, it was resumed; and excited by the warmth of the discussion, one of the duke's friends who represented Lichfield, Mr. Dyott, gave such extreme offence that he was then and there sequestered during pleasure. The scene altogether was a remarkable one, and till now has not been reported. A manuscript at Port Eliot‡ will here describe it for us, and with some vivacity will depict and present to us both parties in the heat of the debate.

"A gentleman," writes this worthy member (name unknown), "suddenly stood up and began to speak of the proud and insolent carriage of the duke; that he would come and sit yesterday with the lords, and in such a place as all the reporters must stand just before him, which was done of purpose to discourage or abash them;

* Manuscript at Port Eliot.

† Letter of 11th May, 1626.

‡ Partly written in a kind of shorthand, which I have had difficulty in deciphering. The spelling is here modernized.

“ and how he flighted what was said ; and therefore concluded that he thought there could be no fair proceedings except he were either sequestered or imprisoned. Then many spake ; much condemning the duke, and commending our gentlemen for their resolution. Then there arose a lawyer, one Mr. Dyott, one that hath often spoken for the duke, and spoke some unseemly words of the house ; as that we thought too basely of the lords to think they would not proceed in justice against the duke although he sate amongst them ; and other words, which founded so ill as it stirred the house exceedingly, and caused a great dispute, some speaking for him, others against him. But the house would not be satisfied ; and Mr. Dyott was sequestered the house, and not to return before he petitioned, and confessed his fault at the bar. This being ended, our debate went on, when we sate till near 4 o'clock. Some argued that it was not justice to require a commitment before examination, and he heard ; others that he was charged with treason and other great misdemeanors, and cited precedents of like nature. So when they had spent out all the speakers for the duke, it came to a question ; and the greater sound was for the duke's imprisonment. Yet the other side would not yield unto it. So the house was to be divided ; and they that would have him committed were to go out, and those that would not were to sit still. Then a gentleman stood up and said, *What ! do you mean, now being so late, that you will divide the house ? It is apparent that we have lost it, and that the P's have it.* Others cried *Divide ! Divide !* Upon this the house went out in so great a number, as, then, they that tarried within would yield it. But then we that were gone out would not have it, but by counting the polls to see who was stronger in the house. So then the privy council came to the doors to desire there might be an end of it. They would yield. That

“our number was more. But we would not. Now we
 “would be counted, and so should they. So both
 “were counted; and there was but one hundred and five
 “for not imprisoning, and two hundred and twenty-five
 “for his imprisonment. And so after 4 o’clock we
 “went to dinner. As soon as we had dined we met
 “again, and by a committee the message for his com-
 “mitment was read, and Sir Nathaniel Rich appointed
 “to be the messenger.”

The precise time for its delivery at the bar of the lords had yet to be settled, and this was determined by Eliot’s interference. He moved that it might be reserved until the opening of the charge was complete, and there was no danger of mixing up with it merely personal considerations.* It was resolved accordingly that it should not be delivered till Thursday. The speaker of the epilogue doubtless would have given much that the duke should again have confronted his accusers.

But this was not to be. On the morning of the day when the epilogue was to be delivered, Buckingham had absented himself.† It was the prudent course; and well for him that it was taken. After Sherland had spoken in place of Whitby, and Pym in one of his weightiest speeches had closed the case, Eliot arose; and never in that or any preceding time was delivered a personal attack of more sustained or eloquent invective, more earnest or more disdainful. “This,” says the nameless member already quoted, “was as bold and worthy a speech as ever I heard, onlie a little too tart.” It was indeed a philippic of the bitterest order. Eliot had summoned to his service all his powers, and his argument was environed with a passion that was little short of terrible.

As this speech is now to be presented, it will not be too much to say, a just and adequate impression of it

* *Eliot’s Notes*, n. 6, fol. 26, b. See also *Commons Journals*, i. 858.

† The duke’s absence on the day when Eliot was to speak is observed upon in a letter in the *Harl. MSS.* 383.

will for the first time be obtainable. From the conference it was reported to the lords by the bishop of Norwich so imperfectly, that he had to tender apology for it on the ground that "he could not get any help" from the gentleman who maintained that part of the "charge:" the gentleman being in truth at that moment in the Tower. Yet the bishop's is the sole report by which it has been known, until now that I print it here as preserved by Eliot, and bearing about the same relation to the other as the choice work of an artist with his own finish, to his original rude sketch filled in by a bungling hand. If we did not know it from other sources, it would appear generally upon the face of his speeches themselves, that, as in the instances already given from the Oxford sitting, Eliot spoke always, though with careful ground-work of preparation in his elaborate efforts, upon the occasion as it arose. The secret of his influence as a speaker, with himself as with Philips,* consisted in that fact; and it will be seen, as he advances in his career, that his more striking efforts could not possibly have been premeditated. Happily note-books were busy all around him; † and unquestionable evidence exists that the Port Eliot MSS, from which such invaluable contributions are made to these pages, had been prepared by himself from his own papers and other note-books, both before and during the enforced leisure of his last imprisonment. He may have desired to leave behind him such authentic records of his career, but the chief and more immediate object doubtless was to have

* See *ante*, 212.

† The king himself had as many as four or five note-takers, in all the sittings, available to supply him with reports of what passed. Upon a question of expressions employed in the very speech before us, the vice-chamberlain (Sir Dudley Carleton) afterwards told the house of commons "that the king, hearing by common report that such words were spoken, "and thereat being highly offended, sent for four, five, or six note-books, "and therein found those words, or such in effect." *Commons Journals*, i. 861.

transcriptions made for his friends. It was the invariable custom then, as Fuller tells us,* "that gentlemen, speakers in these parliaments, should impart their speeches to their intimate friends, the transcripts whereof were multiplied amongst others." A care in which also was implied, it will hardly be necessary to say, infinite care in the original preparation. Arduous and toilsome then were the self-imposed necessities of all intellectual labour; and in the remarks here made, there has of course been no intention to depreciate preparation and study as essential to success in oratory. Nowhere, not in the ornate and fantastical quaintnesses of Digges, is its presence more observable than in the nervous and daring invective, the clear and gorgeous declamation of Eliot; and we have it out of all experience, down from the orators of antiquity, that he who most patiently prepares will most readily acquit himself. The elaborate impromptu laughed at by the wit is the grave exploit of the orator.

In Eliot's general style of speaking, the reader will by this time have remarked, there were few of those ornate and involved periods common to the time, and distin-

* In one of the best prefaces ever written to the very worst book ever compiled (*Ephemeris Parliamentaria*, 1654). Fuller attributes to the frequency of the transcripts the confusion at times arising out of different copies of the same oration. He describes it also as an ordinary occurrence that a man should be indebted to a friend for means to complete the report of his own speech: "so that the fountain (as I may say), being dried up, hath fetched water from the channel." He has also a remark upon a class of legislators who, leaving no such records behind them, have yet left an example of priceless worth which it would have been well that the legislators of succeeding times should have taken more to heart. "Many worthier there were in that place who only were dextrous at short and quick returns, and which retrieved long debates with some short and compendious answer very effectually to the purpose. For sometimes a fletto blow may give a more deep and deadly wound than the point and edge of the sharpest sword, which requireth more time and room for the managing thereof. Yea, many a discreet gentleman, who, after long traversing of matters, judiciously bestowed his yea or nay in the right scale thereof to weigh the balance down when in equilibrio of such matters of high importance (though otherwise not haranguing it in large discourses), might return to his country with satisfaction to his conscience that he had well deserved thereof."

guishing not a few of its weightiest speakers. His vivacity was equal to his earnestness, yet never so displayed as to detract from it. He had in great perfection some of the highest qualities of an orator, singular power of statement, clearness and facility in handling details, pointed classical allusion, keen and logical argument, forcible and rich declamation; but in none of these does he at any time seem, however briefly, to indulge merely for its own sake. All are subordinated to the design and matter in hand. The subject is the master with him, and the rest are servants. The result is an impression from all his speeches as of reading a thing not external or apart from him, but one with himself, a phase or development of his nature. Each was spoken for a purpose, and the purpose is always paramount. Nothing is so rare, or so decisive of the highest order of speaking, as this interpenetration of every part of a speech by the subject to which it relates; so that nothing diverges from it, nothing interrupts it, and the grasp is never let go. It was in Eliot's case *character*. As he acted, he spoke; and when once he had fastened on the object of his wrath or his desire, he kept firm and never quitted his hold.

"My lords," he began, "you have heard, in the
"labours of these two days spent in this service, a representation from the knights, citizens, and burgesses of
"the commons house of parliament, of their apprehensions of the present evils and sufferings of this kingdom; of the causes of those evils; and of those
"causes the application made to the person of the
"Duke of Buckingham; so clearly and fully, that I
"presume your lordships now expect rather I should
"conclude than that anything more or further should
"be added to the charge.

"You have heard how his ambition has been expressed,
"by procuring the great offices of strength and power in
"this kingdom, and in effect getting the government of

“ the whole into his own hands. You have heard by
 “ what practices and means he has attained them, and
 “ how money has stood for merit. How they have
 “ been executed, how performed, it needs no argument
 “ but the common sense. To the miseries and misfor-
 “ tunes which we suffer therein, I will add but this : that
 “ the right, the title of the seas, the ancient inheritance
 “ of our princes, the honour of this land, lost or im-
 “ peached, makes it too apparent, too much known. I
 “ need not further press it. But from hence my obser-
 “ vation must descend upon his other virtues, as they
 “ come extracted from those articles which you have
 “ had delivered. And this by way of perspective I will
 “ give so near and shortly, that I hope your lordships
 “ shall conceive it rather an ease and help to excitate
 “ your memories than to oppress your patience.

“ My lords, I will take the inward characters, the
 “ patterns of his mind, as you have heard them opened.
 “ And first, his collusion and deceit ; crimes in them-
 “ selves so odious and uncertain, that the ancients, know-
 “ ing not by what name to term them, expressed them in
 “ a metaphor calling them *stellionatus*, from a discoloured
 “ beast so doubtful in appearance that they knew not
 “ what to make it. And thus, in this man’s practice,
 “ we find it here. Take it in the business of Rochelle.
 “ First to the merchants, by his arts and fair persuasions
 “ drawn with their ships to Dieppe, there to be en-
 “ trapped. Then to the king and state, with shadows
 “ and pretences colouring that foul design which
 “ secretly he had plotted against Rochelle and religion.
 “ Then to the parliament, after his work was finished or
 “ in motion, and the ships given up into the French-
 “ men’s hands, not only in disguising but denying the
 “ truth of that he knew. A practice as dangerous, as
 “ dishonourable to us both in the precedence and act, as
 “ in the effect and consequence it proved prejudicial and
 “ ruinous to our friends !

“ The next presented was his high oppression, and
“ this of strange latitude and extent; not unto men
“ alone, but to the laws, nay, to the state. The plea-
“ sure of his majesty, his known directions, his public
“ acts, his acts of council, the decrees of courts—all
“ must be made inferior to this man’s will! No right,
“ no interest, may withstand him. Through the powers
“ of state and justice he has dared ever to strike at his
“ own ends. Your lordships have had this sufficiently
“ expressed in the case of the St. Peter, and by the
“ ships at Dieppe.”

Some movement here among his audience appears to have reminded Eliot of the existence of a royal warrant in that case; and of excuses that might be, that indeed already had been, founded upon it. He knew it, for the warrant to Pennington was in his own hands. But now, as he did ever, he turned steadily aside from all attempts of others to fix the king with responsibility, that he might himself more resolutely fix it on the minister. At the same time some one privately whispered to him that the ships had now been returned.* He paused a little, and resumed.

“ My lords, I shall here desire you to observe one
“ particular more than formerly was pressed, concerning
“ the duty of his place in this. Supposing he might,
“ without fault, have sent those ships away, especially
“ the king’s; supposing that he had not thereby injured
“ the merchants, or misinformed the king, or abused
“ the parliament; supposing even that he had not done
“ that worse than all this, of now seeking to excuse him-
“ self therein by entitling it to his majesty; nay, my lords,
“ I will say that if his majesty himself were pleased to
“ have consented or to have commanded, which I can-
“ not believe; yet this could no way satisfy for the

* Sir Dudley Carleton afterwards made it a charge against Eliot that he was “informed in the house and privately told” as to this point, but that he went on as if it had not been said to him. *Journals*, i. 859.

“ duke, or make any extenuation of the charge. For it
 “ was the duty of his place to have opposed it by his
 “ prayers, and to have interceded with his majesty to
 “ make known the dangers, the ill consequences that
 “ might follow. And if this prevailed not, should he
 “ have ended there? No; he should then have ad-
 “ dressed himself to your lordships, your lordships
 “ sitting in council, and there have made it known,
 “ there have desired *your* aids! Nor, if in this he sped
 “ not, should he have rested without entering before you
 “ a protestation for himself, that he was not consenting.
 “ This was the duty of his place; this has been the
 “ practice of his elders; and this, being here neglected,
 “ leaves him without excuse. I have heard it further in-
 “ deed spoken as excuse, that the ships are now come
 “ home; but give me leave, I beseech your lordships, in
 “ prevention to object to that (though I confess I know it
 “ not), that it lessens not his fault. It may commend the
 “ French, but cannot excuse him, whose error was in
 “ sending them away. When the French once had them
 “ they might have kept them still, for aught I know,
 “ notwithstanding all his greatness. Certainly we do
 “ know only too well that they executed, to perfection,
 “ their work against Rochelle and religion!

“ The next your lordships had was his extortion, his
 “ unjust exaction of 10,000*l.* from the East India
 “ merchants without right or colour. And this you
 “ heard exquisitely expressed by the gentleman who had
 “ that part in charge, who mathematically observed the
 “ reason upon which it proceeded and was enforced.
 “ He revealed to you that secret of the seas in taking
 “ of the wind, which at the Cape they have at known
 “ and certain times; and many of your lordships would
 “ probably observe that the skill so timely used was
 “ gotten recently in the late voyage, *to which you know*
 “ *who sent him.*”*

* The allusion is to the subjoined passage in Glanville's speech on the

Here, at this bitter and sarcastic reference, well understood, to the late gross and lawless attack on Glanville's liberty, Eliot again heard murmurs from those around him, as if his purpose had been mistaken and he intended to refer to the king; and one of the lords themselves turned to the peer next him with a remark hardly audible (that "it was the king sent Glanville"),* to which he at once replied.

"Because I hear a mention of the king's sacred name
"in this, I must crave your lordships' leave thus far
"to digress as here to make this protestation, which I
"had in charge from my masters the knights, citizens,
"and burgesses of the commons house of parliament,
"that in nothing we intend to reflect the least ill odour
"on his majesty or his most blessed father of happy
"memory, but with all honour of their names we do
"admire them, and only strive to vindicate their fames
"from such as would eclipse them.

"After this, my lords, followed the corruption, the
"sordid bribery of him whom I now charge, in the
"sale of honours, in the sale of offices. That which
"was the ancient crown of virtue is now made mer-
"chantable, and justice itself is a prey to this man. All
"which particulars, as you have heard them opened
"and enforced with their several circumstances, reasons,
"and proofs, to show what in themselves they are, what
"in their consequences, and what they may now merit,

6th article. Glanville, I ought to have stated (*ante*, 476), had been sent, upon compulsory appointment, by way of punishment and to prevent his possible election to parliament, as secretary to the fleet in the Cadiz expedition. "Well knowing how great a hindrance it would be if the ships should be stayed, in regard that if they did not sail at that time, then by reason of the course of the winds called the monsoons, which were constant six months easterly and six months westerly every year, in the parts of Africa about the Cape of Bona Speranza, of which winds, &c. &c." —*Parl. Hist.* vii. 78.

* "And here," says a marginal note to the manuscript from which I quote, "one of the lords interposed a criticism and censure *that it was the king who sent him*; which being overheard, there was occasion taken for the protestation following."

"I presume I need not to dilate, but, your lordships
"knowing all so well, leave them to your judgment."

His next subject was the wicked prodigality of Buckingham's expenditure. He placed beside it the wants of the kingdom, connected with it some dark suspicions of the people, and hurled forth the daring invective with prodigious effect. These passages were the subject of report and inquiry afterwards; but it did not seem that in performing a necessary part of his duty by adverting to one of the charges in the impeachment, Eliot had spoken with unwarrantable excess. The act charged, altogether irrespective of motive or of purpose, was truly and at the least, as the commons described it, one of transcendent presumption and dangerous consequence. There was no question that it had been committed, and as little that it provoked suspicion, not at the time only but very widely since;* and whether Eliot believed or not that it involved a darker crime, it may be allowed to one who has no such belief to say that he was quite justified in applying to it the language he borrows from Cicero.

"And from hence I am raised to observe a wonder,
"a wonder both in policy and nature. For not less is it
"that this man, so notorious in ill, so dangerous in the
"state, so disproportionable both to the time and govern-
"ment, has been able to subsist and keep a being. But
"as I confess it for a wonder, so must there also have
"been art to help and underprop it, or it could not

* It was even found necessary, upon the lapse of the impeachment by dissolution of the parliament, to quiet the feeling that prevailed by going through the pretence of filing an information against the duke in the star chamber, in order to procure a formal "acquittal" from the charge by a constituted authority in the state! In connection with this a curious revelation will shortly be made. Mr. Brodie (*Brit. Emp.* ii. 125-130) has collected with much care all the facts and authorities; and though I cannot agree in his conclusions, the case presented is undoubtedly startling. To find the suspicion even momentarily entertained by such men as Selden, Glanville, Wandesforde, and Eliot, is also in itself disquieting. I have referred (*ante*, 504) to Lord Bristol's remark respecting it. See also *ante*, 199.

“have continued so long. To that end, therefore, your
“lordships will have noted that he made a party. He
“made a party in the court, a party in the country,
“a party in almost all the places of government, both
“foreign and at home. He raised, and preferred to
“honors and commands, those of his own alliance, the
“creatures of his kindred and affection, how mean soever ;
“whilst others, though most deserving, nay all that were
“not in this compass, he crossed and opposed. And hav-
“ing thus drawn to himself a power of parties, a power
“of honours, a power of offices, and in effect the powers
“of the whole kingdom whether for peace or war ; and
“having used these to strengthen and add to his alli-
“ances ; he then, for his further aggrandisement, set
“upon the revenues of the crown, interrupting, ex-
“hausting, and consuming that fountain of supply.
“He broke those nerves and sinews of the land, the
“stores and treasures of the king. That which is the
“blood and spirit of the kingdom, he wasted and con-
“sumed. Not only to satisfy himself, his own desires
“and avarice, but to satiate others with pride and
“luxury, he emptied those veins in which the kingdom’s
“blood should run, and by diversion of its proper course
“cast the body of the land into a deep consumption.
“This your lordships saw in the opening of that point
“concerning the revenues. What vast treasures he has
“gotten, what infinite sums of money, and what a mass
“of lands ! If your lordships please to calculate, you
“will find it all amounting to little less than the whole
“of the subsidies which the king has had within that
“time. A lamentable example of the subjects’ bounties
“so to be employed ! But is this all ? No : your lord-
“ships may not think it. These are but collections of
“a short view, used only as an epitome for the rest.
“There needs no search for it. It is too visible. His
“profuse expenses, his superfluous feasts, his magnificent
“buildings, his riots, his excesses, what are they but the

“ visible evidences of an express exhausting of the state, a
 “ chronicle of the immensity of his waste of the revenues
 “ of the crown! No wonder, then, our king is now in
 “ want, this man abounding so. And as long as he
 “ abounds, the king must still be wanting.

“ But having thus prevailed in wealth and honours,
 “ he rests not there. Ambition has no bounds, but like
 “ a violent flame breaks still beyond; snatches at all,
 “ assumes new boldness, gives itself more scope. Not
 “ satisfied with the injuring of justice, with the wrongs
 “ of honour, with the prejudice of religion, with the
 “ abuse of state, with the misappropriation of revenues,
 “ his attempts go higher, even to the person of his
 “ sovereign. You have before you his making prac-
 “ tice on that, in such a manner and with such effect
 “ as I fear to speak it, nay I doubt and hesitate to think
 “ it. In which respect I shall leave it, as Cicero did the
 “ like; *ne gravioribus utar verbis quam natura fert, aut*
 “ *levioribus quam causa postulat.* The examination with
 “ your lordships will show you what it is. I need not
 “ name it.”

The final reference to Buckingham had extraordinary force and vividness, and a letter writer describes the “emotion” excited by it in the lords. The whole of these concluding passages are indeed grandly sustained; and very striking at the last is the effect produced by the quiet reference to himself, with its sober contrast to all that implacable bitterness and supreme disdain.

“ In all these now your lordships have the idea of the
 “ man; what in himself he is, and what in his affections.
 “ You have seen his power, *and some I fear have felt it.*
 “ You have known his practice, you have heard the
 “ effects. It rests then to be considered, being such,
 “ what he is in relation to the king, what in relation to
 “ the state, and how compatible or incompatible with
 “ either. What he is to the king, you have heard; a

“canker in his treasures, and one that restlessly consumes
“and will devour him. What he is to the state, you
“have seen; a moth to goodness, not only persisting in
“all ill ways but preventing better. His affections are
“apparent not to be the best, and his actions prove it.
“What hopes or expectation, then, he gives, I leave it
“to your lordships. I will now only see, by comparison
“with others, where I may find him paralleled or
“likened; and, so considering what may now become
“him, from thence render your lordships to a short
“conclusion.

“Of all the precedents I can find, none so near re-
“sembles him as doth Sejanus, and him Tacitus de-
“scribes thus: that he was *audax*; *sui obtegens*, *in alios*
“*criminator*; *juxta adulatio et superbia*. If your lord-
“ships please to measure him by this, pray see in what
“they vary. He is bold. We had that experience
“lately: and of such a boldness, I dare be bold to
“say, as is seldom heard of. He is secret in his pur-
“poses, and more; *that* we have showed already. Is
“he a slanderer? is he an accuser? I wish this par-
“liament had not felt it, nor that which was before.
“And for his pride and flattery, what man can judge
“the greater? Thus far, I think, the parallel holds.
“But now, I beseech your lordships, look a little
“further. Of Sejanus it is likewise noted, amongst
“his policies, amongst his arts, that to support himself
“he did *clientes suos honoribus aut provinciis ornare*.
“He preferred his friends, he preferred his clients,
“to second, to assist him: and does not this man do
“the like? Is it not, and in the same terms, a
“special cause in our complaint now? Does not this
“kingdom, does not Scotland, does not Ireland speak
“it? I will observe but one thing more, and end. It
“is a note upon the pride of Sejanus, upon his high
“ambition, which your lordships will find set down
“by Tacitus. His solecisms, his neglect of counsels, his

“veneries, his venefices,* these I will not mention
 “here: only that particular of his pride, which thus
 “I find. In his public passages and relations he would
 “so mix his business with the prince’s, seeming to con-
 “found their actions, that he was often styled *laborum*
 “*imperatoris socius*: and does not this man do the
 “like? Is it not in his whole practice? How often,
 “how lately have we heard it! Did he not, in this
 “same place, in this very parliament, under color of an
 “explanation for the king, before the committees of
 “both houses, do the same? Have not your lordships
 “heard him also ever mixing and confusing the king
 “and the state, not leaving a distinction between them?
 “It is too, too manifest.

“My lords, I have done. YOU SEE THE MAN!
 “What have been his actions, whom he is like, you
 “KNOW. I leave him to your judgments. This only
 “is conceived by us, the knights, citizens, and bur-
 “gessees of the commons house of parliament, that by
 “him came all our evils, in him we find the causes, and
 “on him must be the remedies. To this end we are
 “now addressed to your lordships in confidence of your
 “justice, to which some late examples† and your wisdoms
 “invite us. We cannot doubt your lordships. The
 “greatness, the power, the practice of the whole world,
 “we know to be all inferior to your greater judg-
 “ments; and from thence we take assurance. To that,
 “therefore, we now refer him; there to be examined,
 “there to be tried; and in due time from thence we
 “shall expect such judgment as his cause merits.

“And now, my lords, I will conclude with a par-
 “ticular censure given on the Bishop of Ely in the time
 “of Richard I. That prelate had the king’s treasures at

* Such expressions could not of course have been directly applied to Buckingham. They are insinuated only through Sejanus. In the report in the *Journals* this point is missed, and the effect wholly lost. But so it is throughout.

† The allusion is to the impeachments of Bacon and Middlesex.

“ his command, and had luxuriously abused them. His
 “ obscure kindred were married to earls, barons, and
 “ others of great rank and place. No man's business
 “ could be done without his help. He would not suffer
 “ the king's council to advise in the highest affairs of
 “ state. He gave *ignotis personis et obscuris* the custody
 “ of castles and great trusts. He ascended to such a
 “ height of insolence and pride that he ceased to be fit for
 “ characters of mercy. And therefore, says the record
 “ of which I now hold the original, ‘*per totam insulam*
 “ ‘*publicè proclametur ; PEREAT QUI PERDERE CUNCTA*
 “ ‘*FESTINAT. OPPRIMATUR NE OMNES OPPRIMAT.*’

“ And now, my lords, I am to read unto your lordships
 “ the conclusion of this charge, and so to present it to
 “ you :

‘ And the said commons, by protestation saving to themselves the liberty
 ‘ of exhibiting at any time hereafter any other accusations or impeachment
 ‘ against the said duke : and also of replying unto the answer that the said
 ‘ duke shall make unto the said articles or to any of them, and of offering
 ‘ further proofs also of the premises or any of them as the case shall
 ‘ require, according to the course of parliament : do pray that the said
 ‘ duke may be put to answer to all and every the said premises, and that
 ‘ such proceeding, examination, trial, and judgment may be upon every
 ‘ of them had and used as is agreeable to law and justice.’

“ And having discharged this trust, my lords, imposed
 “ upon me, unworthy of that honor ; and having therein,
 “ in the imperfections which naturally I suffer, made
 “ myself too open to your lordships' censure ; I must
 “ now crave your pardons and become a petitioner for
 “ myself, that those weaknesses which have appeared in
 “ my delivery may, through your noble favours, find
 “ excuse. For which, as that gentleman my colleague
 “ who first began made his apology by color of com-
 “ mand, mine, my lords, is likewise spoken in my
 “ obedience. I was commanded, and I have obeyed.
 “ Wherein let me desire your lordships, that, notwith-
 “ standing the errors of which I may be guilty, nothing
 “ may reflect upon my masters ; or be from thence

“admitted into your lordships’ judgments to diminish or
 “impeach the reputation of their wisdoms. These, I
 “hope, shall give your lordships and the world such
 “ample testimonies as may approve them still to be de-
 “serving in the ancient merits of their fathers. This
 “for them I crave; and for myself I humbly submit in
 “confidence of your favours.”*

Upon Eliot resuming his seat, the conference broke up; and on the following Saturday and Monday, the 13th and 15th of May, eight peers reported the speeches to the upper house, and the articles of impeachment were laid on the table of the lords. Startling events had occurred in the interval.

VII. ELIOT SENT TO THE TOWER.

Eliot’s speech was delivered on Wednesday, and on Thursday morning Sir Nathaniel Rich went to the upper house with a message for the duke’s commitment. Upon this the duke addressed the lords. Now that the commons had shot their bolt against him, he rejoiced to be delivered out of their hands into those of their lordships. He protested his innocence, but he would not there say anything else to cast dirt at those who had taken pains to make him so foul. He desired only that his trial might be hastened. He spoke, says one who was present, with the confidence inspired by what already, earlier that morning, had transpired in the house of lords.

The king had been there “very early in the morning,” and had spoken to the peers from the throne in a few sentences written for him by Laud. By the speech of Eliot he had been extraordinarily moved. When the reference to Sejanus was reported to him, “implicitly,” he exclaimed, “he must intend me for ‘Tiberius!’”† and hurried to the lords. As he spoke,

* From Eliot’s MS. at Port Eliot, indorsed by him: “Keepe this in where it may not be lost.”

† Harleian MSS, 383. Mede to Stuteville, 11th May, 1626. “I cannot

Buckingham stood by his side. Imputations had been cast upon his honour, he said, and he appealed to them for vindication. He had thought fit to take order for the punishment of some insolent speeches spoken to them yesterday.* It behoved themselves to preserve the honour of the nobility against the vile and malicious calumnies of members of the house of commons.† As to the duke's innocency of all the charges brought against him, he could himself be a witness to clear him in every one. —The indecency of such an attempt, so shameless in the sovereign, to override an accusation brought in the name of all the members of one of the houses of the legislature, met with its rebuke in a sudden silence. No manifestation of any kind was made while he spoke or when he ceased. He returned in his barge to Whitehall, while Digges and Eliot were on their way to the Tower.

They were sitting that morning in their places in the house, when, as upon some ordinary business, they were called to the door;‡ a warrant was shown them by two

"hold," says the gossiping Mede, before telling what he had heard about the king: "this great Thursday makes me add this private news which I desire you to keep to yourself as your own, by separating this half-sheet, and burning it or concealing, &c." The writer afterwards tells his correspondent that, being with Sir Robert Cotton that morning, the latter had told him that the king's affection towards the duke "was very admirable—no whit lessened." By admirable he meant *wonderful*.

* Here the king unconsciously betrayed that not "speeches" were in his mind, but one speech only; that of Eliot spoken "yesterday." See *Parl. Hist.* vii. 39.

† See Laud's *Diary*, May 11, 1626. Laud elsewhere confesses (*Troubles and Trial*, chap. xlii.) that he had, upon the summons of the king, suddenly prepared the speech for him.

‡ The MS at Port Eliot says: "Being disputing concerning the manner of questioning the recusants, Sir D. D. and Sir John Elliott went out of the house. We know not where lies the reason. There was one at the door sent for them to come out, and when they came out there was an officer with a warrant from his majesty to carry them both to the Tower. And thither they went: and there they are. The occasion we know not. After it was known in the house they presently would not go forward with any other business, but cried out to *Rise! Rise!* So they arose. Neither in the afternoon would any committees sit." A letter of the 13th of May (from Birch's transcripts in the Sloane MSS) tells us: "About the time his majesty had ended his speech, Sir Dudley Digges and

king's messengers; and they were taken to the Tower. So suddenly had it been done, that not until Rich's return after delivering the message for the duke's impeachment was the fact made known. The house at once broke out into violent agitation. Men before now had been made accountable for what they had spoken as representatives of the people, and had been corrected and punished for words spoken in parliament; but never while parliament still sat; never until a dissolution had intervened, and the privilege of the house was supposed no longer to invest them. The first of those open and undisguised outrages which brought their author to the scaffold was *this*. "Mr. Pym stood up," says Mede in a letter to Stuteville, "and began to insinuate an exhortation to patience and wisdom." But there was no patience then for even so honoured and experienced a counsellor. "Rise! Rise! Rise!" was the shout on all sides, and the only concession he could obtain. They would give the enemy no advantage by hasty and ill-considered anger; and postponing all the business before them, they rose until the following day. All that afternoon, says the letter just quoted,* they formed into groups in Westminster-hall, "sadly communicating their minds to one another."

The following morning, Friday the 12th, they re-assembled; but upon the Speaker offering to proceed to the business of the day, "Sit down! Sit down!" was the almost universal cry; "no business till we are righted in our liberties!" "The house was very full," says the Port Eliot manuscript, "and sat very silent long. Not one man spake. At last a lawyer, one Mr. Wyell,† began to express the occasion of our silence. The lords

"Sir John Eliot were sent for out of the house. Upon Sir Nath. Rich's return from the lords it was perceived in the lower house whither Sir John Eliot and Sir Dudley Digges were gone: whereupon they broke off all business."

* Harl. MSS. 383. 12th May, 1626.

† Evidently Wilde, the member for Droitwich.

“ of our friends was grievous: but more grievous that
“ the members of a body should be rent and torn
“ from the body to which they belonged. It was as a
“ mother who should have her child taken violently
“ from her. He compared that to our cause, and
“ that it was against privileges and the great charter.
“ Then many spake: one after another: that we could
“ do no business before these men were out of prison in
“ our house. So what will come of us we know
“ not.” Amid that uncertainty, the new vice-chamberlain presented himself. Sir Dudley Carleton, lately returned from his embassies at Venice and the Hague, had come down to the house expressly to set matters straight; and hoping they would follow Mr. Pym's advice yesterday, and do nothing tumultuously, at last he prevailed upon them to hear him. It turned out, however, that he was not at that time prepared with much to say as to the provocation given for the commitments, except that much offence had been taken by the Duke of Buckingham, and in his opinion justly, at Sir John Eliot's calling him “this man,” “the man,” and so forth, which appeared to Sir Dudley in a high degree contemptuous and unbecoming. But upon the conduct generally of that house to their sovereign, the vice-chamberlain delivered his mind very frankly; disclosed more of the secrets of the court than he had probably been instructed to reveal; and not a little astonished the English commons. “I beseech you, gentlemen,” he said, “move not his majesty with trenching upon his
“ prerogatives, lest you bring him out of love with parliaments. In his messages he hath told you, that if
“ there were not correspondence between him and you,
“ he should be enforced to use *new counsels*. Now, I
“ pray you to consider what these new counsels are, and
“ may be. I fear to declare those that I conceive. In
“ all christian kingdoms you know that parliaments were
“ in use anciently, until the monarchs began to know

“ their own strength ; and, seeing the turbulent spirit of
 “ their parliaments, at length they, by little and little,
 “ began to stand upon their prerogatives, *and at last*
 “ *overthrew the parliaments throughout christendom, ex-*
 “ *cept here only with us.* And indeed you would count
 “ it a great misery, if you knew the subjects in foreign
 “ countries as well as myself ; to see them look not like
 “ our nation, with store of flesh on their backs, but like
 “ so many ghosts and not men, being nothing but skin
 “ and bones with some thin cover to their nakedness,
 “ and wearing only wooden shoes on their feet ; so that
 “ they cannot eat meat, or wear good clothes, but they
 “ must pay and be taxed unto the king for it. This is
 “ a misery beyond expression, and that which YET *we are*
 “ *free from !*”

The travelled and experienced Sir Dudley had scarcely thus delivered himself, when his ears were saluted with loud and unaccustomed shouts of “ To the bar ! To the bar !” and he very narrowly escaped the necessity of apologising at the bar on his knees. But the revelation he had made was long remembered ; and when men had ceased to laugh at the skin and bones, and the wooden shoes, they called to mind that England was indeed the only one of three great kingdoms which had not yielded to the sword ; that, as Philips so nobly had reminded them in the Oxford parliament,* England was the last monarchy which yet retained her liberties ; and that it behoved them, for better reasons than any under the cap of the vice-chamberlain, to take timely warning by the examples of France and Spain.

One of Eliot’s notes has preserved for us what followed at this sitting. The house had turned itself into grand committee, and Henry Rolle was in the chair. Sir John Savile, who had shown strong tendencies to the court since Sir Thomas Wentworth took up with the

* *Ante*, 409.

opposition,* endeavoured to quiet the excitement by describing his own commitment for three weeks in Elizabeth's time, the house still sitting, and himself not informed of the cause; yet, on its being moved in the house, they would not resolve it to be a breach of their privilege, but simply directed that the queen be made acquainted that he was a member, whereupon she ordered his discharge. To which Sir Thomas Hobby replied that he also remembered having sat in that parliament, and that Sir John's case, being one in which his offence did not appear to have been given as a member, was wholly different from the present, wherein that was not only so, but the two members had been sent to prison out of the very house itself; an act wholly without precedent. The result was, that on the motion of Noye, it was resolved not only that no business should be done till their members were discharged, but that there should be remonstrance made to the king on that breach of privilege, and "to show him "whom we conceive to be the cause of this."†

* I may take the opportunity of saying here that Eliot's interest in the Yorkshire elections had continued in this as in the last parliament, and that he was not more ready formerly against Wentworth than now against Savile to oppose all unfair tampering with the rights of the electors. The result was a warm resentment on the part of Savile, in the course of which he "made remark on Sir Jo. Elyott for which he was obliged to give satisfaction in his place" (*Journals*, i. 862). As I have named this new election dispute, I cannot resist borrowing from it the examination of two witnesses, a father and a son, in reference to the original of a letter of which a copy had been handed in. It will show that election witnesses flourished as luxuriantly in the seventeenth as they have since in the nineteenth century.

"An. Foxcrofte (son): Thinketh Da. Foxcrofte, his father, had this "original within this fortnight. Saw it within these 3 weeks, in the "counting-house window. Saw it within this week, and had it within "this week, in his own hands. Thinketh his father now hath it; but "knoweth not that certainly. Confesseth he saw it yesternight, and had it "in his hands, and delivered it to his father."

"Dan. Foxcrofte (father) called in: Confesseth he hath seen the original, "whereof this is a copy. Saw it within this fortnight. Being asked when "the last time he saw it, saith he is old, and his memory bad. Confesseth "he saw it within this week. Confesseth he had seen it within 24 hours. "Asked again, whether he had it not last night; confesseth he had. "Asked where the letter is; confesseth he hath it about him. *And delivered "in the letter."*

† *Eliot's Notes*, N. 5, fol. 18, a, b.

Sir Dudley Digges was liberated next day. He had been included in the arrest because of a report of his having said, alluding to the imputation of the thirteenth article as to the drink and plaister given by the duke to the king's father, "that he did forbear to speak further, "in regard to the king's honour." But the words were denied by Digges himself; and though the duke still tried to fix them upon him, and rose nine times at the one morning's sitting to endeavour to convince his brother peers,* Sir Dudley's own denial was confirmed by thirty-six lords present at the conference, and his arrest was of necessity remitted. Only one, Lord Holland, could be found to say that he had heard anything like the words; and he was too notoriously the duke's creature to obtain any show of credence.† The truth became indeed plain, that Buckingham had seized on one of Digges's expressions employed in a quite different sense, in the belief that it might be used to make Eliot responsible for darker and more criminal imputations than were intended by the allusion to Sejanus.

Against Eliot the blow was really aimed, and upon him it was intended to have fallen heavily. It was the beginning of the cruel persecutions he had foreseen and prepared himself for when he decided finally on his present course; and which were only exhausted at last by the death of their victim. The character of the imprisonment to which he was immediately consigned may be judged from the circumstance that the cell into which

* See archbishop Abbot's narrative in *Rushworth*, i. 450.

† In *Eliot's Notes* (N. 5, fol. 18 b.) there is an account of what passed in the commons house on Saturday the 13th, immediately before Digges's release, from which it appears that Littleton, Sir Nathaniel Rich, Sir Francis Stewart, and Pym strongly denied the alleged expressions; whereas, according to Carleton, "not one but four or five members not only affirmed "it before, but yesterday again, and the king last night at supper told him "the words were so." Ultimately the house fixed the charge of false representation on Sir Thomas Jermyn, the member for St. Edmunds. Sir Thomas afterwards admitted (N. 6, fol. 28 a), that he had been mistaken.

he was thrown in the Tower was that which in little more than two years received the man who murdered Buckingham.* It will shortly be seen also that the design was, if possible, to have made him responsible for offences of wider scope than any contained in his speech at the conference.

On Tuesday the 16th of May, Sir Dudley Digges resumed his seat in the house, which at once, upon his entrance, "turned themselves into a grand committee " concerning Sir John Eliot." The chancellor of the exchequer then rose and earnestly counselled moderation in their proceedings. That the king was very careful of entering upon their privileges, he had given good testimony by his proceedings with the member who then reappeared among them; but the business of Sir John Eliot was of another nature. The way he had discharged the bidding of the house had indeed been wholly displeasing to his majesty; but apart from this, the king charged him with things extrajudicial to that house. It would be well therefore that they should go on with their business, and leave a case of that kind to be dealt with by his majesty. Being asked what he meant by "extrajudicial," Weston replied that it was the king's word, and that without the king's leave he could not explain it. We will adjourn, then, until you have leave, was the rejoinder; because this is the only business we can possibly go on with. And, after a vote clearing by name their six managers at the conference from having in any particular exceeded their commission, the house adjourned accordingly.

Next day, the 17th, the explanation was given, and one of Eliot's notes enables me to describe what passed. Sir Richard Weston began by stating that he had leave to explain the word extrajudicial, which was that his majesty had committed Sir John Eliot for high crimes

* Letter in the Harleian MSS, 390.

against his majesty done out of that house. A perfect silence followed this remark by the chancellor. No one spoke; there seemed an indisposition to speak; whereupon Sir Dudley Carleton offered a suggestion that as no more question was made of Sir John Eliot by his majesty for anything done in quality of a member, probably their best course might be to clear him by a vote in all he had done by their bidding at the conference, and for the rest to petition the king for his release. At this the silence suddenly broke. There was an indignant shout of dissent; and the vice chamberlain, whom there had been scant disposition to listen to ever since the wooden shoes fally, had now to explain for himself. He protested he meant no offence. In Elizabeth's reign there were three members, Sir Anthony Coke, Sir Henry Bromely, and Sir John Savile, taken out of that house *sedente curia*, at the time when he was himself a member. And there were three similar cases in the 25th of Elizabeth; those of Mr. Morice, attorney of the court of wards, Sir Edward Hobby, and Mr. Beale; all of whom were taken and sent to the Tower, yet the house notwithstanding proceeded with business, not even petitioning for their deliverance. With this he sat down; and against a very general desire rather strongly expressed by the house, which appeared to think the vice chamberlain not entitled to answer on the point, Sir Thomas Hobby persisted in replying to him. He also had a seat in that parliament of Elizabeth, and recollected the cases referred to; but not one of the persons named had been committed for any offence in parliament. It was true that the house had not petitioned in the cases, for it was no wisdom to desire what they knew beforehand there was ground or good reason for denying. Let the charge against Sir John Eliot be distinctly stated, and it would then be seen if the alleged offence were so far beyond their cognizance that they might properly interfere at all. A man might be taken out of that house *sedente*

parlamento, as Doctor Parry was, to be hanged, drawn, and quartered. Some laughter following upon this mention of Parry's case, and no one seeming disposed to prolong the debate, the vice chamberlain rose again, and hoped the house would at least suspend any further resolution till his majesty had opportunity to prove the accusation made. It was not what had happened at the conference, but "something else which might be discovered by the sight of Sir John Eliot's papers, or some other means." Disregarding this intimation, it was ordered that the sub-committee then drawing up the remonstrance should "take therein what concerns Sir John Eliot and add it to the rest;" and once more the resolution was directed to be read from the chair, that they would pass to no other business until righted in their liberties.*

That was on the 17th of May. Meanwhile time had not been lost in attempted dealings with the prisoner in the Tower. But such denials or explanations as Digges had made, supposing such to be obtainable, were not sought from him. Far beyond the narrow compass within which the questioning of Digges had lain were the matters on which it had been resolved to bring Eliot to the question. The hope desperately seized at was to trump up some charge of treason. Besides his private papers, at which the vice chamberlain had hinted, all things said by him since parliament met, and especially the speech of the two famous precedents, were to be revived and raked into for matter against him; and on the 18th he was examined, upon queries drawn up by the lord keeper, in the Tower. The draft in Coventry's handwriting of "Lord Keeper's questions to be propounded to Sir John Elliott" remains in the state paper office under that date, side by side with the result of the examination that followed on the same day "before Sir Randall Crewe k^t", lord chief justice for pleas to be holden

* *Eliot's Notes*, N. 5, fol. 19, b, 20, 2.

“before his majestie, and Sir Robert Heath k^r, his “majestie’s attorney generall;” the latter bearing the signatures of Crewe, Heath, and Eliot.*

He was asked whether he had at any time held conference with anyone, and when, and with whom, upon the point of how far any kings have heretofore been compelled to give way to the will of their people? He replied that he never, with any, had held such conference, either as to that or of anything touching the subject, or any circumstantial thing tending to that end.

He was asked whether he had held conference with any, and when, and with whom, touching the depriving of kings either of this realm or of any other kingdom; or whether he had seen, or been showed, and by whom, any precedent of any former time in that kind, or tending to any such purpose? He replied that he had never held conference to any such purpose with anyone, nor had ever seen or been showed any such precedent otherwise than had occurred to him in the general reading of history; that he had never of purpose read any such thing, nor had ever been showed any precedent to any end tending to a discourse on that subject; and that, whensoever he had lighted upon any such in his reading, he had detested it as being contrary both to human and divine laws.

He was asked who delivered to him the precedent of the commission in the time of Richard the Second which was gotten by constraint from that king? He answered that he had had notes of a commission of that time, *but not gotten by constraint*, as he considered; he must have had them, as he thought, a dozen years at least, and could not then call to mind of whom, or by what means he had them, or whether he had copied the original record in his search for parliament business; but though he had not seen that commission, nor any copy of it, certainly for these ten years, he had seen the book or treatise which passes from

* MS. S. P. O. Dom. Cor. xxvii. 17 and 18.

hand to hand under the name of Sir Walter Raleigh, by way of *A Dialogue between a Councillor and a Justice of Peace*,* and in that treatise there was some passage of the commission, out of which, among other things, he had of late taken some notes for his memory upon the reading of it ; otherwise, however, than by those former notes, and these later notes taken in this manner, he had not had any occasion to remember or be put in mind of that commission, nor had had the precedent of the commission from any person whatsoever otherwise than as he had before expressed : the certainty whereof he could not more precisely set down, having had the first notes thereof so many years ago.

He was further and again asked whether the same person who showed him that commission when he first saw it, or any other person, and who, did deliver him any precedent or treatise touching the deposing of kings ? He replied that no person, as before he stated, had shown him such commission ; and that no person ever delivered to him, or showed to him, or read to him, any such precedent or treatise.

He was asked what conference or speech he had had with the deputies of Rochelle, or any of them, and when and whether he persuaded or pressed them to do anything which they refused or were unwilling to do, and what the same was ? He replied that he had never had conference or speech with the deputies of Rochelle ; with any from them, or with any of them ; nor did he know that he had ever seen the face of any of those agents.

* The treatise is well known, and there seems reason to believe that Raleigh was really its author. A manuscript copy of it, transcribed in 58 folios, is among the papers at Port Eliot, with passages marked by Sir John. During the excitements of 1628 it came forth as " printed at " Middelburge," with the title "*The Prerogative of Parliaments in England: " proved in a Dialogue (pro et contra) betweene a Councillour of State, " and a Justice of Peace. Written by the worthy (much lacked and " lamented) Sir Walter Raleigh, knight, deceased. Dedicated to the " king's majestie, and to the houses of parliament now assembled. " Preserved to be now happily (in these distracted times) published."*

He was asked whether he were not in Gray's-inn on the Sunday, or near thereabouts, before he spake in parliament of the commission before-mentioned; and with what company he then and there was, and what conference passed between them? He replied that he was not, nor had been in any part of Gray's-inn these seven years.

He was asked what conference or correspondence, by letters, messages, or otherwise, directly or indirectly, he had had with any foreign ambassador or agent? He replied that he had not had any conference or correspondence, by letters, messages, or otherwise, directly or indirectly; and he was well assured that he had not written any letter to any foreign ambassador or agent whatsoever, nor had received any letter from any; and the last message he had from any foreign ambassador or agent, was about three years ago, when he was a prisoner in the Marshalsea about prize goods taken in the west, and Philip Barnardo came to him about it.

The object of the questions is manifest; and probably no one more than the honest chief justice rejoiced at the simplicity yet sufficiency of answers which left everything precisely where it was. Some hope there had evidently been to involve one of the Gray's-inn lawyers in complicity with Eliot; and some light is thrown upon the question as to French ambassadors and agents by that declaration of Carleton's to the commons already quoted, upon his final and strenuous opposition in the matter of the St. Peter of Newhaven, "doubting the ambassadors of France had practised to incense this house to the French's benefit and the loss of the English."* But all other clues to the track on which the lord keeper had drawn the attorney-general in a quest from which Eliot so quietly turned them all aside, it would now be vain to

* I infer this from *Eliot's Notes*, N. 6, fol. 25, a; where the words are underlined, and an index hand is scratched in the margin more especially to mark them out, doubtless by Eliot himself.

seek. Suffice it that nothing had been gained from him by this unprovoked and lawless invasion of his liberty ; not even an admission of the insufficiency of his precedent of Richard the Second, or of the alleged constraint practised on that king !

There was nothing for it, then, in presence of the pressure from the commons, but to sign the warrant for Eliot's liberation. Without a dissolution, Charles had no alternative ; and it was important to him, before such violence was committed, as well that another effort should be made for supply, as that time should be given for some answer to the charges against Buckingham, now committed to the hands of Laud and Sir Nicholas Hyde. Not only had the commons resolutely refused to proceed with anything until Eliot should be released, but they had already voted, and were now preparing, a remonstrance against such violation of their privilege. On the 18th of May the brave Bevil Grenville (who died afterwards fighting for the king at Lansdowne), writing to his "best friend the lady Grace" of the christening they were shortly to expect, told her of his "hope that Sir John Eliot shall be there too if it be a boy, though the king hath lately sent him to the Tower for some wordes spoken in parliament, but wee are all resolv'd to have him out againe, or will proceede in noe businesse." * That was the very day when Eliot was under question in the Tower, and its result had sufficed to break down the resolution of the king and duke before his more indomitable resolution. On the 20th of May Grenville wrote : "We have Sir John Eliot at liberty againe ! The house was never quiett till the king releas'd him." On the 19th the order of release had been signed.

On Saturday the 20th of May, when, amid congratulations that partook more of sternness and solemnity than of gladness or joy, the commons were to see Eliot reappear among them, the vice chamberlain, by express command

* MS. letter in my possession.

of the king, was to make his last appearance there: his majesty having already given direction for a patent of peerage promptly to remove him to a place more congenial with his foreign experiences. The scene that ensued was full of character and interest, and from the notes of Eliot himself it is now presented much more vividly than heretofore.*

Upon the Speaker taking his chair, Mr. Glanville said he had it from Sir John Eliot, who waited outside, to desire their pleasure whether he was to come and again sit, having been accused of high crimes and extrajudicial to that house. To this there was an eager "yea" shouted from all sides: whereupon he entered, and having taken his place, rose directly afterwards, and requested to hear what was charged against him, that he might show by his answer whether he were indeed worthy to sit there. To this Sir Dudley Carleton replied. He was not there to charge him, but to give him occasion to discharge himself. All the other seven members engaged in the late business had used respective terms to the duke, but the manner of Sir John Eliot's speech had been "too tart and harsh" to his grace's person. It was not within his duty to have characterised the duke's mind by the "strange beast" *stellionatus*. It was contrary to the mind of the house to have professed ignorance of the return of the ships out of France. "They say they are come, but I know it not." It was a great indignity to persons of honour, and held base in all languages, to say "this man" and "that man" of such a person as the duke. The historical comparisons to Sejanus and the Bishop of Ely were also unwarrantable. And finally, which was the main offence, he cut off the words of the last article in the accusation against the duke with an expression from Cicero, as if something were in the charge covered which might be *discovered*. In brief, that was what Sir Dudley Carleton, on behalf of his majesty, had to say.

* *Eliot's Notes*, N. 6, fols. 29 a, b, and 30, a.

Eliot then spoke. Yesterday morning, at half-past eleven, he first heard of the intention to release him, and now he was first made acquainted with his offence. He thanked the vice chamberlain for his plain dealing, in at length affording him occasion to clear himself. Was it now the pleasure of the house that he should answer generally, or, for their clearer satisfaction, make a particular answer upon each particular charge? The latter by all means, was the reply; to which end each charge successively should be repeated by Mr. Vice-chamberlain, and if anyone else had additions to make, let the occasion now be taken. But no one save Sir Dudley spoke; and as he merely again went over, in separate parts, his original accusation, it will suffice to give Eliot's answers.

For the *stellionatus*, then. That as to the duke's honours and offices, he styled them ambition; but as to his deceit and fraud, because no word could reach it, he borrowed that of *stellionatus* from the civilians, who in the body of their law have a whole chapter for it. If Mr. Vice-chamberlain consulted those authorities, he would probably be able to satisfy himself that it was only ignorance made the strangeness of that word.*

For his saying he knew it not, upon the return of the ships, he confessed that he had said he did not know, though he heard, they were returned. It was indeed true he heard it in the house, but neither then knew it as true of any, nor yet knows it as true of the flat-bottom boats, and divers others of which the like was said.

For the words "the man." He had not spoken on that occasion by the book, but suddenly. He had frequently used the duke's titles, but sometimes for brevity he might have shortened them. He was surprised to hear that called strange which was used in all languages: *ipse*,

* It is needless of course to say that the word is from *stellio*, a spotted lizard, the fraudulent man being comparable to that animal alone in versatility and craft; and that the term *stellionate* in the Roman law comprehends all kinds of knavery not designated by any more special name.

ille, and the like, being given both to Alexander and Cæsar, "which were not less than he." And therefore he thought it not a dishonour unto him so to be called a man, "whom yet he thinketh not to be a god."

For Sejanus and the Bishop of Ely. He claimed the right to make such parallels. In the sense wherein the former had been misapplied, he used it not. If so applied he could not hinder the construction, but was not to be forced beyond his meaning. He made no parallel of times, or other persons but the duke.

For the words of Cicero upon the potion and the plaister. "He relateth the words, and, as he thinketh, "the syllables, which he insists upon and avows." Upon that he had no more to say.

For the manner of his speech. And here, as of a matter affecting himself more exclusively, he spoke with a modest and manly frankness. It was, he said, an old charge against him, that the manner of his speech was with too much vigour and strength. He would not attempt to justify his defects in nature; but he hoped they should not be imputed as a crime. He yet on that occasion did, and does in that house, desire to avoid passion, being only affected to discharge his duty to the house with the best life he could. "Especially "in this particular, because the duke had intimated to the lords that many of his followers were "disheartened."

For the exceeding his commission. Did anyone of the commons, from which he received it, say that he had done so? The negative upon the instant was so loud and general, that the few words with which he resumed his seat, to the effect that when any particular should be mentioned he would give answer to it, were scarcely audible. The next moment he had withdrawn, "the "house refusing to order his withdrawal." And not a single dissentient ventured to declare himself against the vote which was immediately taken, to clear Eliot from

every imputation, and to declare that he had in no respect exceeded the commission entrusted to him.*

So closed this affair on the king's part, as ignominiously ended as it was ill begun; a clumsy retreat from a position which there was neither the boldness to attempt to maintain, nor the good sense handsomely to abandon. Even the people about the court could to some extent moralize the matter. They saw that the commons, apart from what they gained in it by Eliot's dauntless composure and sarcastically quiet reassertion of everything he had been called to explain, had affirmed by its means that right in their own house to protect themselves from every questioning but their own, which more than anything else united and strengthened them in future parliaments; while the king had gained nothing by it, and had lost the reputation of much. But beyond this the incident imparted no lesson. They believed, according to Heylin, who expresses doubtless the mortification of Laud, that his majesty had "power in his hands to have righted himself according to the practice of queen Elizabeth and others of his majesty's royal predecessors in the times foregoing," if he had been bold enough to follow their example instead of the example of his father.† On the

* One other characteristic mention the affair received, when, on Thursday the 1st of June, Eliot himself made a motion in the house (*Journals*, i. 867) that Mr. Meautys, the member for Cambridge, and some others might be "appointed to see the opening of his papers, which at the time of his arrest were taken by Mr. Meautys, and had now been by him sent back under seal: to see whether they be all there." Order was accordingly given that Mr. Meautys, Sir William Spencer, Sir Thomas Hobby, and Sir William Armyne, should assemble for the purpose in Sir John Eliot's chamber at five o'clock that afternoon. What the result was is not said, but it is very certain that all Eliot's papers had not found their way back to him; some that were seized at the time remaining now in the state paper office, and copies or abstracts of others having been quoted *ante*, (469-72). In fact one of the charges in the original draft of the remonstrance at this time preparing, "Refusal by Meautys of a note to be taken of Sir J. Eliot's papers" (*Eliot's Notes*, N. 5, 22, a), shows that means had been taken to render it impossible with any exactness to see at their return "whether they be all there."

† Heylin's *Life of Laud*, 142-3. The commons "had now put them-

other hand, Eliot's notes have shown us that the precedents most vaunted from Elizabeth were not only now relied upon, but replied upon by men who had sat in her parliaments; making no secret of her mistakes, but showing her prompt redress of them. That is what *her* example should have taught a court which unhappily was incapable of learning anything. She understood, if ever a ruler did, the art in which the highest government consists, of so conforming to the veracities and necessities around it, as to make itself really the expression of the people governed, in their changing condition, in their new and impatient wants, in their increasing intelligence. But Charles the First had no one to tell him this, nor probably would have listened if there had been. The people around him could only see that he was not as brave as the great queen, and lament that he should rather have taken example by his father. But it would have been well for him if he had done even this. He suffered for want of his father's cowardice quite as much as for want of Elizabeth's courage. His was one of those natures, not uncommon, which having no real self-reliance have yet a most intense self-reference, and make up ever for yielding in some point by obstinacy in some other; and it was his misery always to resist, as he yielded, too late. After giving up everything that had sustained the prerogative while it had yet any work in the world to do, he believed in it to the last as the only thing that could help him; and he was not the less ready to seize Pym and Hampden in 1641 because of his defeat and discomfiture in the attempt to seize Eliot in 1626.

"selves," continues Heylin, "upon this resolution, not to suffer any one of their members to be questioned till themselves had considered of his crimes. By which means they kept themselves close together, and emboldened one another to stand it out against the king to the very last." On the other hand, says Peter with much truth, the gains and gettings of the king from the line he took, might have been "put in a seamstress's thimble and yet never fill it."

VIII. THE REMONSTRANCE AND DISSOLUTION.

The remaining incidents of the session of what White-locke truly calls this "great, warm, ruffling parliament," were brief and stormy. The vice chamberlain took the sudden refuge prepared for him in a more quiet place, and became Baron Carleton; "having not so much as a "place to be made lord of," said Eliot when the matter was mentioned to the commons.* The commons, timely warned of "new counsels," and silently preparing their remonstrance against all such, held themselves at bay; Sir Nicholas Hyde, in close counsel with Laud, was hastening to complete Buckingham's answer to the articles of impeachment; and the king, bent upon a dissolution before the commons could either offer their remonstrance or make rejoinder to the duke's answer, seems nevertheless to have clung to a hope that the subsidy bills might be got through. Buckingham knew better the determination on this point, and rumour even went of reproaches overheard in the palace. People said that the duke being in private attendance at the audience chamber, the king was overheard to ask him impatiently what could he do more? He had engaged his honour to his uncle of Denmark, and other princes; he had in a manner lost the love of his subjects; and what would the duke have him do? † From which the gossips who reported the scene, and had probably invented it, fancied some that the dissolution of parliament, and others that the chancellorship of Cambridge, was in discussion between them.

Certain it is that on the chancellorship becoming now

* *Eliot's Notes*, n. 5, 21, b. This was at the discussion of the remonstrance on the 3rd of June, when Eliot moved the insertion in it of the substance of Carleton's speech about "new counsels," and also those passages about the duke's interference in the matter of supply at Westminster, and his being "the cause of drawing us to Oxford and the "breach there," which are only now rendered intelligible to us by his own descriptions in his manuscript memoir.

† Harl. MSS. May 1626. Letter of Mede to Stuteville.

suddenly vacant by Lord Suffolk's death, the fact was hardly known when it was seized as an occasion for triumph over the commons and their impeachment; and Buckingham, under accusation of grave charges in both houses of parliament, was named actually by royal mandate to succeed to that honourable distinction. "Lord Suffolk died," wrote Rudyard to Netherfole, "on Sunday morning, and on Monday Laud went to Cambridge to solicit the chancellorship for the duke.*" But Cambridge has always had some voice for herself; and this monstrous proposal, though accepted by her heads, was resisted by her younger members of convocation, who hastily put forward Lord Berkshire, Suffolk's son, and ran Buckingham so hard, that, notwithstanding royal influence used without scruple or shame, he was returned by a majority of only three.† With characteristic servility Williams afterwards claimed credit from the duke for having, even now while under cloud of his disfavour, sent all his Cambridge chaplains to vote for him!‡ The com-

* MS. S. P. O. Dom. Cor. 2nd June, 1606.

† In Ellis's *Original Letters*, iii. 231, we have a curious account of the contest. "We of the Body murmur, we run one to another to complain. We say the Heads in this election have no more to do than any of us. . . Hereupon on Tuesday morning, notwithstanding every Head sent for his fellows to persuade them for the duke, some durst be so bold as to visit for the contrary in publick. . . My lord bishop labours; Mr. Mason visits for his lord, Mr. Cosens for the most true patron of the clergy and of scholars. Masters belabour their fellows. Dr. Maw sends for his one by one, to persuade them; some twice over. . . Divers in towns got hacknies, and fled to avoid importunity. Very many, some whole colleges, were gotten by their fearful masters, the bishop, and others, to suspend, who otherwise were resolved against the duke, and kept away with much indignation; and yet for all this stirre the duke carried it but by three votes from my lord Andover" (Viscount Andover had been created Earl of Berkshire three months before) "whom we voluntarily set up against him, without any motion on his behalf, yea without his knowledge. . . We had but one doctor in the whole towne durst (for so I dare speak) give with us against the duke; and that was Dr. Porter of Queen's." Maw, one of the king's chaplains, was also at this time master of Trinity, and supplied the duke with 43 out of his 108 votes.

‡ MS. S. P. O. 3rd February, 1626-7. During the impeachment Williams made no sign but this. "Well was it for Lincoln," exclaims Hacket (ii. 71), "that he had no hand in this fray; for, as the voyagers to

mons meanwhile had gravely addressed the king on the impropriety of the step he had taken, desiring him at least to interpose such delay as would allow a hearing to the impeachment; and upon his refusal they voted as an insult to the house the nomination as chancellor of Cambridge of a man under its impeachment. Eliot took active part in the proceedings of that day, and onward to the close; nor is it unworthy of remark that the member who was only second to him in actively preparing the remonstrance, wherein that and all other incidents of the session found bitter record, was the future lord keeper Littleton.*

The intention at first was to have passed each separate clause of this formidable document as they might have passed a bill; which was the course really taken, fifteen years later, with the Grand Remonstrance. But so much time necessarily passed in enlarging its scope and making addition to the subjects embraced in it, that there was only time at last to vote it as it stood; and the last words spoken in the discussion were those of Sir Robert Mansel. "If there be any fear of danger to England," he said, "the duke and his agents are the cause. This I will make good."

So said the old seaman; and so the commons had resolved, by means of this remonstrance, to say to the people of England. Their eagerness in pursuing and completing it, during the last days of the session, was to avoid a repetition of the failure at Oxford which had then

"Greenland say, when the whale-fishing begins it is better to be on the shore, and look on!"

* *Eliot's Notes*, N. 5, fol. 20, a, and 22, a. From these we learn that two days after Eliot's "explanations" in the house, Littleton presented, with a view to its being "turned into a bill," a rough draft of the remonstrance, which at this time was limited to a protest against the violation of their privilege, and an assertion of their rights in that particular. Gradually it assumed larger dimensions, and became ultimately a statement of public affairs since the accession. All the grievances were imported into it; and again Littleton, on the 6th of June, reported them under successive heads for approval, and took the order of the house for "a subcommittee to frame the declaration upon all these."

prevented such appeal. They had now publicly to confess that this parliament had failed like the last; that they were again hopeless of redress, for the present, by parliamentary ways; and that they must further interest and engage the people out of doors in the matters they had all at heart. Thus, therefore, under cover of remonstrating with the king, they would tell the people all that had passed since the accession; how the wish to supply his majesty in his first parliament had been received; how the duke had sown dissension between them and the king, and ultimately procured their dissolution; how, before the meeting of the second parliament, several of their active members had been disqualified from sitting, and Mr. Glanville, a lawyer depending on his practice, had been sent as secretary to the Cadiz fleet; how upon again assembling in parliament, they had voted ample supplies conditional on an amendment of grievances; how all grievances had been traced by elaborate inquiries to one principal cause, which thereupon they had, in obedience to past constitutional usage, made the subject of a parliamentary accusation; what practices had since been attempted to baffle that design; how two of their members had been taken out of the very house and imprisoned, and their papers seized; how they had fared as to Richard Montagu, who had been rewarded with promotion for abetting innovations in religion; and how one of the king's ministers had openly stated to them his majesty's intention, in the event of not being supplied, to betake himself to new ways. The close of this remarkable state paper * was most impressively worded. His majesty was warned against retaining the Duke of Buckingham in his counsels; and was further told that if anyone should be found to do so ill an office to the crown as to advise the

* It will be found in *Rushworth*, i. 400-406; and in *Parl. Hist.* vii. 309-20. The king's counter-declaration is in *Rushworth*, i. 410, and in *Parl. Hist.* vii. 300-309. The subsequent proclamation by the king for the burning and suppression of the commons' remonstrance is in *Rushworth*, i. 411-12.

levying of aids, taxes, or subsidies among the people contrary to the settled laws, the commons of England, esteeming all such as vipers, pests, and capital enemies to the commonwealth, there solemnly pledged themselves to bring those offenders to condign punishment.

Meanwhile, towards the middle of June, Buckingham's answers, the handywork of Laud and Hyde, and a service for which the latter was soon to get the chief justiceship, were handed to the lords by the duke himself; with brief appeal against the subtlety of the accusation and the greatness of his accusers. "Who accused me?" he said. "Common fame. Who gave me up to your lordships?" "The house of commons. The one is too subtle a body, if a body; the other too great for me to contest with. Yet I am confident neither the one nor the other shall be found my enemy when my cause shall come to be tried." The last was a shrewd condition, for he knew that no trial was contemplated. Nor would it be other than waste of space to advert to answers which were never meant to be brought to proof. The duke was made to deny much, but unconsciously to admit much more. The most grave charges he defended by pleading privy of the king. He left unanswered, for secret reasons of state, the charge as to the loan of the ships. He admitted such charges as that of having possessed himself by purchase and otherwise of many offices, defending them on the ground of public necessities. And finally he claimed, as to all the charges of earliest date, the benefit of the general pardon of James and of the coronation pardon of his son.

The commons at once, upon report of the duke's answers, called for the parliament roll containing the relation of the Spanish match, and announced that their rejoinder would be shortly forthcoming. That was on Saturday the 10th of June; and on the following Monday the king sent to them for enactment of the subsidy bills without delay or condition, under threat of "other

"resolutions." To this their answer, after a debate of extraordinary warmth and duration, was an order requiring all the managers of the impeachment to "bring their parts into the house in writing," and further giving direction "to send for lord Digby to make proof."* By this they announced their resolve, not only to press the charges they had themselves made, but so to back up the charges of lord Bristol as to reinforce against the duke the case of that formidable antagonist.

The only record remaining of that Monday's debate is a note inclosed in one of Mede's letters to Stuteville. The question raised, it says, was only whether the bill of subsidies or the remonstrance should first be perfected; yet it declares the excitement to have been such that above two hundred members had spoken, when, after the first sitting of eight hours, "from eight in the morning till past four afternoon," the house rose to dine. "By the clamour of voices they say the question could not be well discerned; but upon dividing, the number of those that would have the remonstrance first done was far greater than of those for the subsidies. At six a clock againe they returned, and sate till almost nine." While the clamour and debate were yet at their height, a storm more terrible had arisen outside. Such a fury of wind and rain and hail, of lightning and thunder, descended suddenly upon London, as no living man till then had witnessed. In city churchyards the walls were rent away, tearing up the earth with them, and exposing the dead. Over the Thames there appeared, rising higher and higher, strange circles and shapes of mist, which took supernatural meanings to the vulgar.†

* *Journals*, i. 870.

† "This occasioned the more discourse among the vulgar," says *Rushworth* (i. 391) "in that Doctor Lamb appeared then upon Thames, to whose art of conjuring they attributed that which had happened." Lamb was a notorious quack whom the duke was known to consult, and who will make tragic reappearance shortly. Buckingham first went to him about his brother Purbeck's madness.

Nay, the very members of the house, as they hurried to the windows overlooking the river to view the spectacle, could not suppress superstitions of their own, as they saw "the fierceness of the storm bend itself towards York-house, the then habitation of the Duke of Buckingham, "beating against the stairs and wall thereof." But with no worse mischief the thunder for that time passed away; honourable members recovered their composure; and when the majority separated at nine that summer night, they felt doubtless all the safer against future signs and storms, in having been enabled finally to settle their remonstrance. They had accomplished it just in time.

On the morning of Wednesday the 14th they were conscious of the imminent approach of a dissolution, and passed that day in preparing for due presentation to the king of their appeal to the people. There was one more debate. Should only a select number present it, or should the commons with the Speaker at their head? The latter course had the eager advocacy of Eliot; it was adopted; and a message was sent to the king craving audience and access from the whole house "about serious business concerning all the commons of the land." The king returned for answer that they should hear from him next morning; but they did not separate that afternoon until after arrangements for delivering to such members as desired it copies of the completed remonstrance. They knew by this time that the upper house had made special intercession with the king for a short delay. "Not a minute" was the answer.

Next day they were summoned to the lords to hear, in the king's presence, the commission for their dissolution read. The Speaker had his instructions notwithstanding, and courage to give effect to them. Holding forth the remonstrance as he approached the throne, he stated to the king its purport, and craved compliance with its humble petition "for the removal of that great person "the Duke of Buckingham from access to your royal

"preference." Without a word the dissolution followed; and as the commission was read members were seen reading copies of the remonstrance.

In a few days it would be in the hands of the people. It would tell them why the king so rudely had again dismissed their representatives. They would learn from it all about the impeachment of the duke, the grave charges preferred against him, and how the enquiry demanded into their truth or falsehood had been quashed by an abrupt dissolution. On the face of it there was an ill look; and uncontradicted it might have evil consequence. Might it not be well, some one seems to have whispered to the king, to make a show of *not* screening the favourite, and of saving this dissolution from the slander of having been a mere device to save him? The suggestion was caught at eagerly, and some remarkable unpublished papers at Port Eliot reveal what followed.

On the morning of Saturday the 17th of June, the day but one after the dissolution, Eliot, Digges, Hobby, Lake, Erle, Wandesforde, Herbert, Whitby, Sherland, Pym, Glanville, and Selden,* the secret committee of twelve to whom had been referred the final preparation of the proofs to sustain the several charges in the impeachment, received an urgent note from his majesty's attorney general. Superfcribed to "his worthie frendes," the note thus ran. "GENTLEMEN, His ma^{tie} hath given me special commandm^t from his own mouth that I should signifye his pleasure unto y^e that y^e should not go out of towne till y^e have first beene wth me, and given me some instructions in a businesse concerninge his service. And that y^e may not misconster the demand, or conceave it to be other than it is, I lett you know thus much.

* All the names are formally underwritten to Heath's letter, and I was at some loss at first to understand why they had been so brought together. Sir Thomas Hobby and Sir Thomas Lake (the latter was member for Wells, having taken no part as managers or assistants. But the mystery was explained when I found them to be the select committee of twelve before referred to (512), and named in the *Journals*, i 847.

“ that I shall not detain y^e long. And for your better
“ dispatch I wishe y^e would agree to come all together
“ unto me to my chamber in the Inner Temple on Munday
“ morninge by seven a clocke ; when I shall acquaint
“ y^e wth his ma^{tie}s further pleasure. Y^r verie lo. frende,
“ RO. HEATH. 17 Junij. 1626.” On the fly-leaf of
which note by Mr. Attorney is the draft of another
note in the handwriting of Eliot, dated on the day
of the interview and describing what passed. On leaving
Heath's chambers the rest had referred it to Eliot to
word the decision which *he* doubtless had most earnestly
counselled. “ Whereas,” he wrote, “ this morning,
“ when we attended you upon a command^t from his
“ ma^{tie} signified by y^rself, you gave us intimation of a
“ purpose in his ma^{tie} to have a proceeding in the star
“ chamber against the D. of Buckingham upon such
“ matters as he stood latelie charged wth in parliam^t; and
“ to that end required to be instructed what proofes we
“ had to mayntayne the severall charges p^rferred from the
“ com^{ons} to the lords against the said duke; wee, according
“ to y^r advise, have considered thereof together, and
“ entreat you to take knowledg that whatsoever was done
“ by us in that busines was done by the command of
“ the house of commons, and by their directions some
“ proofes were delivered to the lords wth the charges ;
“ but what other proofes the house would have used,
“ according to the libertie reserved to themselves, either for
“ the mayntenance of their charge, or upon their replie,
“ we neither know, nor can undertake to informe [you.]”

Out of parliament we have no knowledge of the business
we transacted there, and to any questions involving
our conduct therein we have no answer to make to you.
That in substance was Eliot's answer to the requirement
of the king. It was the rule from which he never swerved,
and for which, when the majority of those who with him
now signed this letter had deserted it, he laid down
his liberty and life.

The king refused to take the answer, and ordered Essex, on the following day, to be specially examined apart from the rest; but "Mr. Annesley's questions and "Sir John Essex's answers," also preserved among the MSS. at Port Essex, yielded no better satisfaction. He was pressed closely on the point of witnesses and his own belief in regard to proofs; but he gave only the one reply, diversely shaped but in substance unvarying. "I "had therein no other interest or employment but as by "the generall command, and for the service of the house "in the late dissolved parliament." "I remained, but for "that service, no other use or memorie." "I have some "general notions, but not such particular knowledge as I "can conceive to be any way usefull unto you." "My "first knowledge and intelligence hapninge in parlia- "ment, after discharge of mine owne particular duties to "the house I remitted to that againe whether the memorie "and consideration thereof."

Baffled thus completely in that which would have given some show of authority to the artifice proposed, Charles had no alternative but to order an information in the star chamber to be supported by proofs of his own. To this sham proceeding the duke put in a sham answer; some witnesses were put through a sham examination as to the potion and plaister in the old king's illness: and then the thing dropped out of sight.

Not so the impotent rage of Charles. Bristol was sent to the Tower; Arundel was placed under restraint in his own house; a counter-declaration was issued to the remonstrance; the counter-declaration failing to find attention, the remonstrance was ordered to be burnt; and the unhappy king proceeded to try the effect of those "new "counsels" which he and his servants had so often threatened.

APPENDIX TO THIS VOLUME.

SUPPLEMENTARY NOTICE OF ELIOT'S MONARCHY OF MAN.

COMPOSED IN HIS LAST IMPRISONMENT.

IN an early page of my present volume*, mention has been made of this treatise; of its preservation in the original manuscript in the British Museum; and of Eliot's intention to have published it. In one of the closing sections of my second volume will be found a sketch of his purpose in composing it, and of his probable reasons for having yielded a consent to its publication upon the suggestion of Hampden, Richard James, Thomas Hatcher, and other friends to whom it had been submitted. Some acquaintance should be made with this latter section, forming the fifth of the last book of the biography of Eliot, before the present notice is read. Therein will be found those personal details from which the treatise derives its interest in connection with its author's life and last imprisonment, and that give additional meaning to many of the extracts now to be presented to the reader. Here the only intention is to select, within the space to which they must necessarily be confined, and which can be better afforded to them in this place than at the close of my work, such passages as will express the character and tone of the composition, exhibit the course of its argument, and sufficiently show in a general way the execution of its design.

* *Ante*, 31.

Since the early sheets of this volume were printed, a further search among the papers at Port Eliot has confirmed what was there inferred from portions of Eliot's correspondence, as to the proposed publication of the treatise. What was meant to have accompanied it, as a preface or dedication, I have discovered in the original draft. Why this was omitted in the completed transcript, does not appear; but it is too characteristic of Eliot's habit of independence, in this as in graver things, not to be well worthy of preservation. Here therefore the opening, or dedicatory part, is given; and the rest, which is in the nature of a preface or personal explanation, will fall into its proper place at the close of the biography.

Eliot inscribes his treatise *TO THE READER*, and condemns the fulsome and absurd dedications which had then become the custom, as unworthy of letters and a degradation to those professing them. The extent of this evil was not seen till a later age; but when Eliot speaks of it, even in that earlier time, as making impiety the patron to religion, prostituting virtue to vice, and bequeathing art to ignorance, he shows that he had as keenly discerned, as he bravely denounces, the whole of its corrupting tendency.

"TO THE READER,

"Bookes of these times, and the temples of the antients, through
 "imitation or by fortune, doe often meet in one degree and paralell.
 "In those works of pietie, or superstition rather, of the elders, the
 "structures were magnificent, wth all curiositie and excellence that art
 "or nature could impose, rais'd even to the heighth of admiration: but
 "their dedications soe absurd, their deities soe ridiculous, their worship
 "and adoration soe profane: monsters and men being their consecrated
 "gods; naie, monsters of men, and the worst parts of them:
 "naie, Pluto and Dis, those infernall lords of treasures, divills and
 "feinds, w^{ch} had veneration like themselves: that what was faire
 "wthout was blacke and fowle wthin, all the bewtie of their fabricks
 "being lost in the ugliness and deformitie of the patrons. Soe is it cit
 "with bookes, whose compositions have all excell'ence, all that witt and
 "learning can expresse: but their dedications soe preposterous, impietie
 "made patron to religion, virtue prostitute to vice, art bequeathed to

" ignorance, protection being affected from the contrarie, that what
 " Plutarke speakes of Brutus on the judgment and execution of his
 " sonnes, may be truly said of these—they cannot be praised nor dis-
 " praif'd enough.

" I make not this a censure upon others, but an apologie for myselfe
 " in the Not dedication of this treatise. To address it to some deitie,
 " besides the adulation it might favor of, were presumption beyond
 " measure, it being noe fitt sacrifice for such greatnes. To seeke pro-
 " tection from the contrarie, were a great follacisme and madnes, the
 " sinne of witchcrafte and idolatrie. Patronage in generall, however
 " sought or valued, in this kinde has small profit and advantage. It
 " craves assistance and support; and this implies weaknes and defect,
 " w^{ch} is noe badge of honor, nor thereby strengthened and supplied, but
 " renders that suspected and in jelosie, w^{ch}, els, might be thought
 " candide in itself. I will not therefore seeke favor by my flatterie;
 " nor, wth the vaile of favor, hope my errors shal be shadowed. I
 " will not see farr prejudice the innocent, to conclude him guiltie that
 " is not yet accusd. Errors are incident to all things that are not more
 " than humane, and what proceeds from me is most obnoxious by my
 " weaknes; yet, what this Tract imports, let it be judgd by others.
 " It may not have condemnation at *my* hands, whose conscience does
 " justify the intention, and that makes something for the reputation of
 " the act.

" TO THEE, READER, it appeales from all slander and detraction: to
 " the tribunall of thy judgment, from the corrupt barr of malice. Give
 " it an equall triall in thy justice; and if greatnes doe oppose it, take
 " up that Roman caution* not to suffer it *adversarii viribus abjiceri*.
 " What definition thou wilt give, it shall most readilie submit to;
 " having noe desire to anie thing but what may be dulia said it's owne;
 " nor ambition of more honor than is comprehended in thy favor; and
 " that, but in the just measure of thy equitie, and proportionable unto
 " right. . . . Let it supplie the stave of thy waste time when greater
 " thoughts have left it. Receive it as a friend, not as an enemy; and
 " if it faile the expectation w^{ch} thou hast, pardon the weaknes for the
 " affection. It has this perfect to thee, as its owne. All power is the
 " dispensation of another; and in that the matter must answer, not the
 " workman, whose interest rests meerlie in the will." †

From the transcript circulated among the writer's private friends, this dedication was excluded. Here we pass at once to the treatise from its carefully constructed title-page.

* Eliot here notes in the margin: "*Cic. Orat.* p. 347;
 "*tant.* p. 505."

† MS. at Port Eliot.



The
Monarchy of Man.

*Treatise Philosophical and moral
 wherein some questions of the
 Politicks are obviously discust.*

By

J. John the Prisoner in the Tower?

Deus nobis hac omnia committit

Virg.



This reduced fac-simile of that first elaborately written page of Eliot's own manuscript, may transport us for a moment to the scene of his imprisonment, with its long and weary hours. We seem to see, as we look at the fanciful adornment of the letters, and the human faces peeping out from the flourishes, how the lingering time was whiled away upon this dearly cherished labour. The omission of the final word in the sentence from Virgil adds to its effect. Chivalrous and significant, it stands like an abridged motto on a shield. The original is of folio size, and the treatise occupies two hundred

and forty pages, full of abbreviations, very closely written, and very far from so legibly as the ornamented page before the reader!

Of the general scope and aim of the work, elsewhere described, it will be only necessary to remark here that it falls into the two divisions expressed in the title. "Some questions of the politicks are obviously discust," as a prelude to the analogy pursued between the civil and moral obligations which constitute Eliot's idea of his monarchy. And when, after laying down with elaborate learning and ingenuity the groundwork of his reasonings and comparisons, pursuing them in something of the manner which Sydney adopted in later time, through families, cities, and so on, he at last arrives at the rules and limits to be applied to the authority of princes, he thinks it necessary to say that he shall take only as they are emergent from his subject and arise naturally in discourse, the questions most in controversy touching the exercise of that power: not compelling, not courting, any that did not voluntarily come in and readily accost him; but yet not baulking, for any fear or difficulties, those that the occasion might present. "Only
"this favor we petition, which candor will allow us for
"our encouragement in the worke, that no prejudice
"may impeach us in the censure of our reason *if it*
"*tide contrary to these tymes*, if it oppose the streame and
"current wee are in, superior or inferior."

In speaking at this point of acts and intentions he employs an illustration which already he had used in one of his letters to Bevil Grenville.* He is arguing that acts may have divers inclinations and effects, from the accidental intercurrent of new causes contrary to their institution and design. That to an act of virtue there might

* See *post*, ii. 626. In another passage about the heliotrope, "that
"beautie of the gardens," opening and shutting to the sun, he reproduces
one of his allusions in a letter to Hampden. Many similar instances might
be given, and will indeed hereafter easily occur to the reader.

be a concurrency of vice, through the corruption and infirmity of the object. That, as not seldom happened through the depravity of men, a charity might be interverted to ill uses and so lose the fruit of virtue. That the council of Achitophel might be folly though an effect of wisdom. That equity might be converted to iniquity; justice into injury, or into cruelty of extremity; and that, in short, no virtue was in operation so sacred but circumstances might corrupt it, and divers effects follow it, from new causes and intentions intervenient.

"Therefore, as the intention must be the indication of the act, the end must shew the intention. For as a good act may be ill done in respect of the intention, so the intention of what puritie soever may be corrupted by the end. If our descent and end shall terminate in the east; if our horoscope and ascendant shal bee placed in the period of the west; if we shall then, as Strabo saith, seeke the sunne itself rising in the west,—we cannot conclude properly, or right. For the end of the great workman must direct us, not the effect and operation of the worke."

Government was in Eliot's view never to be regarded as "supreme," excepting for the welfare of the subject, If not expressly in the words, that was ever included in the sense; as the object of all such authority and power. And it followed likewise by inference and reason, if the use and interest were not severed. "For, as Cicero saies, *res publica* is but *res populi*; and if the right and interest be the people's, soe should the benefitt and use." Repeatedly in his treatise Eliot breaks into admiration of the Roman orator, statesman, and philosopher. "Oh the height of this gradation!" he exclaims, speaking of the varieties and contrarieties in the world so beyond the understanding of weak man, yet so reconciled to order and agreement; "which none but Cicero could climbe!" And through an exalted eulogy he proceeds, considering the famous Roman in all his aspects, "resorting from the person to the cause, from the client to the advocate," till he knows not "whether his truth or eloquence be more admirable."

The supreme power of the state, Eliot reduced to two divisions: the first concerning the exercise of that power as it is distributive (in the persons of ministers) to others than the prince, which he confines within a strict observance of the laws; and the second reflecting particularly upon princes, and the privilege and prerogative of their persons, as to which, with a touching reference to himself and his imprisonment, he raises the question whether the laws should have operation thereon.

“ And this with more difficultie is involved, as lying within that misterie, the prerogative of kings, which is a point so tender as it will hardlie bear a mencion. We may not therefore handle it with anie roughness, least it reflect some new beame of terror on ourselves; but with what caution wee may, yet without prejudice to truth;— that in what freebie we have undertaken wee maie faithfullie bee delivered, and safely render the opinion which wee have without suspect of flattery.”

Such a suspicion could not with any of his readers have outlived his next sentence, when, with sudden and indignant sense that the claims set up for princes in that day were even too absurd for argument, he exclaims that whether laws should have influence on kings could never fall into doubt. It was in right and conclusive! The only question could possibly be, within the laws, what bounds and circumscriptions should be given them, and in what compass and degree they should be limited and confined. After eulogy of the law not inferior to that famous one by Pym in his speech against Strafford, he puts the distinction between it and privilege.

“ Two things occur in this—the lawe and the priviledge of each country, in both which the subject has like interest. By the priviledge the prince is free from all things but the lawe; by the lawe he craves in all things to be regulated. By the priviledge he has a propriety of consent in the sanction of all lawes; by the lawe he has a certain rule and level by which to square his actions. By the priviledge all approved customs are received in the strength and vigour of the lawes; by the lawe no actual repetitions shall create a custom, without acceptation and allowance. The lawe is *rex omnium*, as Pindarus says, the king and governour of all things; the other is

"*regi similis*, something like unto a king, as Bodin has it,—as absolute, though less known."

He continues, with bitter scorn of the slavish sycophancy of his time :

"For these laws and privileges (which we shall join together, making but one joint subject of this question), the discussion will be easier if we turn our disquisition, and thus state it. What power the king has upon them? Wherein there is such a confluence of flattery, conducing to our prejudice; such labour to make a monarchie unlimited, an absoluteness of government without rule; so much affection, or corruption rather, specified; such distortion and perversion of authorities to that end;—learning made profane to fallacy; religion turned to policie; heaven brought down to earth; light transformed to darkness;—as to attempt against it, is now, to rowe against the tide! against the streame and current of these tymes to seek a passage unto truth!"

Not the less had the philosophic patriot fought and to his own satisfaction found it. Nor would he contest with the Neiles, Lauds, Montagus, Sibthorps, and Manwarings: he could only pity them!

"Some would insinuate, from the dehortation of the Israelites, a warrant and authority for the extension of that power. What then was said in terrour, they now make it a conclusion of the right! Others infer from the confession made by David, 'Against thee only have I sinned,' that princes offend not men, and therefore have a liberty upon them to do what afts they please. Which judgements we shall rather pity than contest! The heathens, likewise, both Greeks and Latins, have been search't to have their attestations for this sense—but how truly we shall, in a few general instances, soon shew!"

And then he brings up what Prynne called his squadrons of authorities. Pliny, and Valentinian, and Tacitus are summoned, to prove that at a time and state when monarchy and empire had not their meanest exaltation, the laws were above the authority of princes, and had a mastery over men who claimed of all else to be the masters. Plato and Aristotle are called, to demonstrate in principle that nothing but ruin could be the fortune of that kingdom where the prince ruled the laws, and not the laws the prince (Eliot showing his

scholarship here by clearing up a disputed passage in the last great writer, whom he calls the original and source of wisdom, and whose text he held to have been frequently altered by "court parasites" of his age); and appeal finally is made to Cicero to apply both his Greek masters in practice, and adapt them to all times.

"What more fully or more plainly can be spoken? What greater authority can be had, either for the persons or the reasons? The Greeks, the most excellent of them, and from whom the contrary is insinuated (but how truly have we observed by the way), the Latins likewise, and not the meanest of *their* kind, whose judgements no posterity can impeach, — we have really and actually on our side. Princes and emperors consenting! We may confirm it by the examples of some others, if number be more valuable than weight; yet not as shall lessen the esteem; for if no other were produced, their worths might serve for a counterpoise to all opposites."

This was one of those arguments, not infrequent in the treatise, wherein its writer painfully and laboriously defers to a prejudice of his age, and distrusts his own genius, even for guidance in the present, without support and help from authorities of the past, which for that reason may be read with an almost touching interest. Hampden objected, as will be found hereafter, when this part of the work only was before him; comparing it to an exquisite nosegay composed of curious flowers bound together with as fine a thread, but expecting in the other part honey from his friend, somewhat out of those flowers digested, made his own, and giving a true taste of his own sweetness.* Eliot did not disappoint him. It will be seen, when he dropped these fetters of political discussion, into what beauty and grandeur he ascended; and how he mastered and moulded to his purpose, and impregnated with an original intellectual power, his variously fine attainments.

It will not be out of place to interpose here the remark that Eliot is scrupulously exact in his method of quotation. Where the language of his authority is im-

* See *post*, ii. 611.

ported into his text, the book and chapter are carefully written down in the margin; and where the sense only is given, a note generally supplies the correct quotation and its reference. He must at least have had the companionship of many books in his prison. And though the bulk of his extracts from Plato and Aristotle are given in Latin, this is evidently as much for convenience of himself as of his readers; for when he resorts to the Greek character he writes it with too much neatness and labour to have permitted its constant use.

His next great squadron of ancient writers are brought up to show, by examples of the princes* who have acknowledged the law's supremacy, that only by this means had they been able to exercise the highest power, finding in it their very majesty itself, their honour and exaltation. "So much doth authority depend on law, and so much is submission to the law greater than authority." At the close of the passage there is an allusion which was probably inserted after Hampden's criticism.

"And the reason follows it, that the law is the ground of authority, all authority and rule a dependant of the law. The edict of Gratian was not only an edict for that time, but for the generations of succeeding ages, and for all posterity to come. Rightly, therefore, and most worthily, styled an oracle. And in correspondence to this, is the moderne practice of these times. Almost in all the states of Europe, princes at the assumption of their crowns assume and take an oath for the maintenance and observation of the laws. So, if we look either into authority or example, the use and practice of all times from the moderne to the ancient, the reason is still cleare, without any difficulty or scruple, *de jure*, in right, that princes are to be regulated by the laws, that the law has an operation on the sovereign. Yet two things, we are told, do oppose, and are made arguments against this: — the honor and the profit of the king, which are said to have some prejudice by this rule. Many pretensions there are made, by those that are enemies to law, to inculcate this doctrine unto princes, which in particular to convince were not a task of hardness, if the

* Among others, he dwells especially on Antiochus, Theodosius, and Gratian, giving the instances which will be found referred to on a later page in his speech against Arminianism, *post*, ii. 414-5.

“ danger exceeded not the trouble. But the infection of these times is
“ incompatible of such labours, when scarce the least disease is curable.
“ We shall therefore follow them as we did in the strength and
“ assistance of authorities, which, in point of profit, do conclude that
“ there is no fruit or advantage in injustice. *Ubi turpitudine*, says
“ Cicero, *ibi utilitas esse non potest*—where shame and dishonesty in-
“ habit, there profit cannot sojourn. And that dishonestie he puts
“ for the violation of a dutie. Again, *nihil utile quod non idem*
“ *bonestum, et nunquam potest utilitas cum bonestate contendere.*”

With the wiser princes he finely contrasts those who could not see that in effect it was they who themselves embodied and represented the laws, and that to be subject to themselves could be no dishonour to them. No man could be said to be inferior to himself; yet, to satisfy that “honorable punctilio,” kings must become their own inferiors, and a loyal king be less than an illegal. But all power had root only in the wills of men. All empire and authority rested in the obedience of the subject, and the true form of obedience was comprehended in the laws. For the other kind of obedience imposed by fear and terror, it was false: false as the maxim that expressed it, *oderint dum metuant*, let them hate so that they fear. Thus were such men driven from extremity to extremity; hated because feared, and maintaining the fear because hated. Pursuing this argument, and contrasting with those consequences of fear the allegiance of an affectionate people, Eliot has occasion to refer to “Fortescue, that learned chancellor of England,” and to “Philip de Comines, that wise Frenchman.” An allusion may be added from a passage of great care and elaboration, wherein he illustrates the dangers incident to a prince by example of the pilot of a ship; as one of many recurrent instances drawn from the habits and pursuits of his earlier life.

“ The leaks, are infidelity and treachery in ministers; the rocks,
“ inequality and distemper in the government; the sands and synks,
“ are factions and divisions; the winds and waves, the attempts and
“ invasions of the enemy; the pyrats are the false and subtil under-
“ miners, that would robb and steale away all law, liberty, and religion.”

The subject of parliaments occupies the closing sentences of the first or political portion of the treatise; and reviving from his favourite author among the Latins the image of that Roman tyrant which at Buckingham's impeachment had struck such dismay into Charles, he suggests another silent parallel to the princes of the old time who sought to make parliaments the instruments of mischief by depriving them of parliamentary authority; affecting a love for them only to employ them for ill purposes; and under the cover of their sanction commencing projects which it was meant to carry on without them. There is not a more striking or significant passage in the treatise than this, in which he describes Tiberius "squaring his profession out to justice though his actions spake the contrary;" and deceiving the consuls and the senate by his declaration against that danger and difficulty of sole government, *regendi cuncta onus*, which he had secretly resolved to assume. Eliot closes his description with some well-chosen passages out of Plato, and then dwells for a time on the nature of parliaments themselves and the various forms they have assumed. The powers which were granted them among the Jews at their sanhedrim, the several assemblies at Athens, in Ætolia, at Rome, in Carthage, and Sparta, are referred to. The evil designs of men who had poisoned the ears of princes with a jealousy of parliaments, are exposed; and some of the doctrines of Machiavel are held up to scorn. There is here a large quotation of authorities, and much use made of arguments by Philip de Comines. Incidentally there is high mention of the genius of Sallust, and enthusiastic eulogy of Aristotle, "that *stupendum hominis*, that wonder and "miracle of reason!" And with some general arguments out of Bodin he winds up his parallel between a tyrant and a king, striking heavily at those unauthorized exactions of royalty of which men were tasting the full bitterness at the time when his treatise was written.

“ This feeds on the affection of his subjects, the other on their fears. This has his fears principally for them ; the other has them for the objects of his fears. This takes nothing from his subjects, but on publick warrant and necessity ; that drinks, carouzes in their blood, and does fatt him with their marrow, to bring necessity upon them.”

The grander purpose of the treatise now comes into view—the consideration of the Monarchy of the Mind. It opens with some general resemblances of the metaphysical conditions of this government to the civil relations; carrying up the “councillors of the mind” to their final aim, “the good and perfection of all empire, the *bonum publicum* of the politicks, the *sum-mum bonum* of philosophers, the *ne ultra* in felicity.” But there is a difficulty on the threshold. How shall the secret be opened? How shall that end of all labour, that scope and object of every hope, be attained, since even the wisest men, the philosophers of the old time, had not been able to agree as to what should be held for the consummation and perfection of happiness? Their differences are figured by the fable of Menippus.

“ He found nothing but confusion upon earth, nothing but incertainty with men. Doubt and ambiguity in some; dissent and contradiction among others; difference and disagreement among all. Then for the philosophers, at least their sects in controversy, if not the particulars of all kinds, yet the kinds of all particulars. The Stoicks and Epicureans opposed. The Peripateticks varying from both. The Academicks differing from all. And these divided between the old and new, the Eretrians, Megarians, and Cyrenians, all in opinions separate and distinguished. Like Heterogenialls, rather, and things contrary; not as professors of one science, masters of philosophy, lovers of truth and wisdom!”

Discovering nevertheless in all these differences certain uniform and constant elements of the truth, Eliot proposes to examine and distinguish them; and in accordance with this design he plunges into the various schools of ancient ethics, describing each and discussing its doctrine. Nor is merely well-versed scholarship here displayed. There is a wide compass of thought, and those uses and applications of learning which genius makes its own. A

trail of light runs along the track of the old systems as we follow them over Eliot's page to the conclusion he seeks to establish; that, in a greater or less degree in all, there are positions established by which may be constructed, without other aid, his proposed monarchy of the mind. And, the possibility thus assumed, he exults in reciting the virtues which, once it is built up, shall tend to its immortal sustenance. But again he restrains himself. Before we triumph, we must subdue; and it may be necessary through sorrow to advance to joy.

"We must do as Æneas did with Dido, through the sad storie of tragedies and disasters make a transition unto love. As mariners in rowing look contrarie to their courses, so wee, in the search of happiness and felicity, must have our eyes upon the subject of our misery. Those we must first behold which are enemies of our state, and from them make a passage to our government. Wherein if, by knowledge of the adversaries, we can find meanes to conquer and subdue them,—if, by the strength and opposition of the virtues, we can overcome and subjugate the affections,—then we may triumph in our victorie, and in all securitie and peace erect that trophy of felicity, the *summum bonum* and cheife happiness of man."

From this point accordingly, onward to the close of the treatise, in a style which blends power with sensibility, and sweetness with grandeur, in a degree not surpassed by our greatest masters of old English prose, the impediments to man's happiness are treated, and the way shown for escape from the "bondage and captivitie" that obstructs self-government. The first impediment is "Feare," and through all the chances that may occasion it Eliot passes with firm and unfaltering step. Describing the "effects of power, sudden and various; wherein imprisonment and death, and that in a thousand forms, are threatened; in which both sickness and poverty are involved;" but in none of these finding real cause of fear, he takes up "the next link of this chaine of our unhappiness, another part of the fetters that we beare," in that "inexplicable piece of vanity, our Hope." This however he does not regard as an un-

mixed evil, and the occasional exceptions are handled with a prodigious amount of learned allusion.

“ But not to be mistaken for want of some distinction in this case, all hopes are not like, nor all enemies of our government, though all have one uncertainty, by the trouble of expectation, and the dependance upon time. All have this vanity and weakness, that their rest is upon others, not in themselves, and in that respect they are obnoxious unto fortune. Yet all have not a participation in the evil; all are not sharers in the guilt; some are natural, and have their principles in nature.”

Out of the unceasing agitations in which Hope keeps a man; the fear to lose, the jealousy, the satiety, and all the incidents that fall to it; Sorrow comes next in view, and is marked as the worst and least excusable of all the impediments named. For yet, says Eliot, fear has some resource of safety, and hope some desire of happiness.

“ These have somewhat for justification and apology, at least for excuse and extenuation of their evils. But sorrow only is inferior to them all. No argument can be made for her defense; she can pretend neither to happiness nor safety, nor to what might be subservient to either. As the professed enemy to both, her banners are displayed. She fights against all safety, and bids defiance unto happiness. Her ends, her arts, are in contestation of them both. Reason has nothing to alledge why sorrow should be used; it proclaims no advantage in the end, no advantage in the act, but the mere satisfaction of itself, the sole expletion of that humour; therefore it is the most improper of all others, as incomparably the worst, and that likewise the effects and consequence on the body will show.”

A subtle treatment of the selfishness of sorrow succeeds to this. It is not called forth, Eliot says, by the misfortunes of our friends, for that feeling is pity; nor by the triumph of our enemies, for that is envy. “ Sorrow is selfishness.” For the privation of whatever we hold dear, of whatever is in a tender estimation, nobler remedies are suggested by the imprisoned philosopher.

“ Sorrow is a perfect enemy, standing in such antipathy with happiness that it is irreconcilable for our government. Therefore, to this also we must oppose all the resistance we have; for this moves

"most violently against us; and, if it get possession of our hearts, if it
 "once enter on that fort, all our happiness is gone; our monarchy is
 "subverted! For it destroys the end, the felicity we look for, and
 "then the means is useless. It dissolves it in the principle, and so
 "brings it to confusion. For where sorrow is, no felicity can be, and
 "a mind so affected can have no taste of happiness. To encounter it,
 "therefore, as physicians do diseases, we will first meet it in the cause;
 "for, if that can be removed, the effect forthwith will follow it. The
 "object being gone, the affection must fall after it."

Let no man take upon himself, says Eliot, to regard things putting on the aspects of sorrow as therefore really sorrowful. He argues out the principle of the great poet of nature that a providence shapes to higher ends the roughhewn accidents of life. And, take it that that seeming of sorrow had really in it something of danger or alarm, the more need existed to oppose it, to resist it, and thereby to offer the example which to ordinary men would be invaluable.

"For, are not soldiers sometimes heightened in their courage by the
 "valour of their fellows? Do not the valliant often receive new
 "fortitude and spirits by the acts of magnanimitie of others? Has not
 "admiration, has not emulation, this effect, to work the likeness of that
 "virtue which it has seen before it? to reduce to act the image of
 "that idea, which the apprehension has conceived, and, from the
 "excellence of the pattern, to draw an antitype thereof. Wherefore
 "were exhibited those bloody spectacles at Rome—those butcheries of
 "men—those tragic representations to the people—but to inure them
 "to blood, to harden them in dangers, to familiar them with death?
 "And shall not better acts, to better ends directed, have the like power
 "and operation? Shall not divinity, by the works of divine men
 "opposing their afflictions, have as great force in precedent and
 "example, as those Romans had by that fighting with beasts or con-
 "tending one another, to harden and encourage the minds of the more
 "virtuous, against all difficulties, all dangers?"

But there is an argument of greater worth to the same end. From Plato's noble commentary on the inscription of the Delphic oracle *γνώθι σεαυτον*, higher considerations are drawn.

"It is required of man, that he should profit many. It is a common
 "duty of mankind, as far as ability may extend, still to do good to all
 "or, if not that, to some, as opportunity shall be granted him. Or, if

“ he fail in that, yet to his neighbours, or at least unto himself. But
“ here, here, in this act of passion and wrestling with calamities, there
“ is advantage given for all. In this contestation of those things
“ we call miseries, there is a performance of all these, First, to thyself,
“ thou profitest through the favor of the Gods, that give thee this
“ instruction, this education, this trial, this knowledge of thyself, this
“ confirmation of thy virtue. Then to thy neighbours, and all others,
“ thou art profitable by thy precedent and example. Thy fortitude
“ adds courage unto them, stout and valiant. How, then,—how, in
“ this excellence of duty, in this great duty of advantage, of advantage
“ to ourselves, of advantage to our neighbours, of advantage unto all,—
“ we should repine and sorrow, as 'tis a prejudice to our happiness it's
“ a wonder unto reason ! ”

Not even the last and best intercession that would seem to remain for sorrow—of a friend at his friend's grave—will Eliot admit. But how beautiful in this passage is the eulogy of friendship ! How the words seem to crowd too thick for utterance, as the writer manifestly thinks of what in his own needs a friend had been to him ! *

“ Let me first ask this question of the sorrower. For whose sake
“ that passion is assumed ? For his that is so lost, or for thine own that
“ lost him ? Answer to this, and make a justification for thyself. If
“ thou wilt say for his, where is the evil that he suffers ? wherein lies
“ the reason of that grief ? Design it out ; give it some character to
“ express it. Is it in that he is dead ? in that he has made a transition
“ to the elders ? That cannot be : for death contains no evil, as our
“ former proofs have manifested ; but is a priviledge of immortality, an
“ eternity of happiness. Is it for that he is not ? that he is not num-
“ bered with the living ? That were to lament but because he is not
“ miserable. Thou canst not but acknowledge the distraction of thy
“ fears, the anxiety of thy cares, the complexion of thy pleasures, the
“ mixture of thy sorrows ! With all these, and upon all, no rest, no
“ quiet, no tranquillity, but a continual vexation of thy thoughts, a
“ fervile agitation of thy mind from one passion to another ! And wilt
“ thou grieve for him, that has his freedom, his immunity from these ?
“ On the other side : is that sorrow for thyself, that thou hast lost a
“ friend,—the sweetness, the benefit of his friendship—thy comfort in
“ society—the assistance of thy business—the sublevation of thy cares—
“ the extenuation of thy griefs—the multiplication of thy joys—thy
“ castle—thy counsel—thy sword—thy shield—thy store - thy health—
“ thy eye—thy ear—thy taste—thy touch—thy smell—the CATHOLICON

* See *pass.* ii. 491, &c.

"of thy happiness (for all these are attributes of friendship)?—Consider, first, whether friendship may not change, whether a breach and enmity may not follow it, as not seldom happens in the most strict conjunctions, with which then no enmity may compare! Then 't were better thus to have lost it, that evil being prevented, and the obligation, the virtue, kept intire! But, if that doubt prevails not; if thou supposest a perpetuity in that friendship, an assurance of that love; is it not envy in thee, and unworthiness thereof, for those respects, those temporary benefits to thyself, to grudge at his happiness and felicity which is infinite and celestial? Justice may resolve how far this is from friendship, how unworthy of that name! And how capricious is sorrow, subject to no government or rule. Marcellus wept when he had taken Syracuse; Alexander, to have no more worlds to conquer."

Concluding with the phrase of the ethicks, that to conquer, not those appearances or shows of ill, but what might be counted real calamities, "not only makes a man a conqueror and wise, but equal, nay superior, to the gods," Eliot eloquently banishes Sorrow from his government.

But in reserve there is an enemy worse than any he has named.

"And thus we see how these enemies do threaten us. Fear does anticipate, hope divert, sorrow overturn, the happiness we look for; or, rather, they fight against the happiness itself; fear secretly undermining, hope circumventing, sorrow charging it at full. But, above all, the most dangerous is behind,—PLEASURE!"

The cause of the peculiar danger that attends the indulgence of pleasure is shown to consist in the so false resemblance it bears in itself to happiness, that it is like to steal through all the "guards and watches" that we keep, into our safest "retreats and strongholds." "Nothing," exclaims Eliot, amid much splendour of eloquence and reason, "nothing is so petulant and refractory, so exorbitant and irregular, as Pleasure. No rule, no law, no authority can contain her; but, like Semiramis, admit her government for a day, she usurps the rule for ever."

And here he pauses in wonder and reverence at the Divine wisdom, working to its ends through means ap-

parently so contrary; and exhibiting, even to the unassisted reason, triumphant proof of wise and perfect design. It is a noble passage, though one of those in which Eliot could not hope to carry with him the entire or unmixed sympathy of his puritan friends.

“ But here an objection or wonder may be made, how, from one fountain, such different streams should flow; how, from the self same head, such contraries should derive themselves; and that greater wonder may arise, how the great Architect and Workman, who gave being to all things in his divine wisdom, did so create the mind by the infusion of such principles, that the contrariety of their motions should threaten the destruction of his work! For faction and division imply this, and the dissension of the parts hazards the confusion of the whole. It’s a great cause of wonder in the thing, that it is so, but of far greater admiration in the reason. That he, thus wise, thus willing, thus able to give perfection to his art, should, in the masterpiece thereof, in his own portraiture and image, leave it with imperfection! This is enough for wonder and admiration (if it were so). But yet the next has more the inscrutability of that reason,—which turns these imperfections to perfections; which in these contraries makes agreement; by these differences, these divisions, these dissensions, works unity and concord! This is a cause of wonder and admiration so transcendent, as human capacity cannot reach. O! the incomprehensible glory of the wisdom by which such secrets are disposed! We may see it almost in every thing, as the effect gives illustration to the cause; and so in fact confirm, though we cannot penetrate, the reason itself. All things, almost generally, will demonstrate it. If we look into the universality of the world, or the concurrence of its parts, are there more contraries than in the common materials they consist of? Can there be more antipathy than the elements sustain? What greater enemies than fire and water can be found? What more violent than their wars? And so with the air and earth. Dryness and moisture are opposed; than which no things can be more different; yet amongst these what a sweet league and amitie is contracted! What mutual love and correspondency they retain! Fire agrees with water, earth with air, the latter with the former, each severally with other, and so respectively with all! and that which is the perfection of them all, the composition which they make, the frame of those materials, the body so compounded, has its being and existence by the very mixture and diagram of these! Nay, by the want of either, their dissolution is enforced. So necessary is the contrariety of the parts, and the opposition which they make, that, without it, the whole cannot subsist. And thus as in the generals, so in the particulars from thence. In the immense infinity of creatures, amongst the dead or living, are their antipathies to be

“numbered? Can arithmetic define the contrarities they have?
 “Stone opposing stone, metal against metal, plant against plant; all
 “war! And animate beasts contrary to beasts, fowls against fowls,
 “fishes against fishes; in hate, in cruelty opposed, killing and devouring
 “each other; and yet all made serviceable to man! Amongst men,
 “too, what contestations are there extant; what wars, what quarrels,
 “what dissensions! Nation in antipathy with nation, kindred opposed
 “to kindred, family against family, man against man! And, besides,
 “how infinite is their difference and variety in temper, in affection, in
 “condition; so that reconciliation seems impossible, and, without it,
 “their subsistence. Yet in the revolution of that wisdom these things
 “are so turned, in the divine wheel of providence their conversions are
 “so made, that all move directly to one end! The alloy and contesta-
 “tion of the parts work the conservation of the whole.”

From all which he would draw the inestimable lesson that in the moral as in the natural world things seeming to be evil are to the finer vision but forms of good; and that no man is to count himself really unhappy, under any of the accidents of mortal life, whose conscience remains pure and his will undepraved. What, for example, provoked more fear than Poverty, and more causeless fear? This is a subject treated at great length, and with extraordinary fervour. “Are riches of
 “that virtue that their want should seem so terrible?
 “How many have they sold to misery and unhappiness!
 “What worlds of men have they corrupted and betrayed!
 “Corrupted in manners and affections, betrayed
 “of their liberties and lives!” To which there follows a praise of poverty that might have satisfied Don Guzman himself. He tells the poor what they escape. He sums up the diseases of the rich, famous for excruciating pains; and contrasts with them “the privileges
 “of poverty, the immunities of want.” He drags forth from antiquity a long list of illustrious poor; he speaks of the lives of Fabricius, Curio, Menenius, Valerius, and Seneca; he holds them up as the best of all examples to comfort and teach their fellow men. “Who more
 “valiant than Miltiades? Who more wise than Cymon?
 “Who than Aristides was more just? Who more tempe-

“rate than Phocion? Yet all these the poorest as the best of all their times!”

Sickness he treats of next, as no just cause for fear; and from sickness, the silent and sad suggestion of his own uncared for suffering, he advances, through what he calls the powerless effects of power, to imprisonment and death, startling in their aspect, but of no real worth to frighten or to subdue.

“To dispel the fears of that which power and greatness may impose, requires a harder labour, because the dangers seem far greater, and are more various, and more sudden. For—not to reflect on poverty and sickness as incidents to this (which wounds and confiscations do imply), those too frequent and too known effects of power—but to look forward and to view it in the other issues, which it has; disgrace, imprisonment, DEATH, and those in all their ugliness and deformity. This last is that tyrant which our apprehensions do so fear; that *monstrum horrendum informe*, which strikes us with such terror; this is that dire aspect, at which our resolutions do so fly; this is that traitor that makes such sedition in our government, and which we must the more carefully oppose for the vindication of our happiness. In this place therefore we will deal only with it, and with the rest hereafter.”

Into what he says of Death, Eliot throws all his eloquence. “Death has its consideration but in terror; and what is assumed from that, is, like the imaginations of children in the dark, a mere fancy and opinion.” With a melancholy fondness, the anticipation of approaching intimacy, he defends death as a friend might be defended. It had been slandered by those who could not have known it—“most untruly, most unjustly, slandered.” What was common to all, and designed by the most merciful, could not be an evil.

“For either happiness it contains, or it repels calamity, or gives satiety and weariness an end, or does prevent the hardness of old age! A conclusion ’t is to all; to some their wish; but to none more meriting and deserving than to whom it comes uncalled for! It frees from servitude, dissolves the chains of captives, sets all prisoners at liberty, and restores the banished to their country. All their sorrows and disasters have termination in this point. It has been called *humanis tempestatibus portus*, the harbour of human miseries,

“ the sedation of our troubles. Implying thus the comparison of our life to a fluctuation on the seas, we as poor mariners sailing in the weak vessels of our nature and fortune, the wind tossing us by the continual agitation of her tempests, trouble being instant and upon us, danger most imminent and before us, hope fled, safety nowhere to be found,—Death only is the haven to receive us, where there is calmness and tranquility, where there is rest from all these storms and tempests! In that port all fluctuations of our life are quieted and composed; nor winds nor seas have power upon us there; fortune and time are excluded from that road; there we anchor in security, without the distractions of new troubles; there without danger or hazard do we ride.”

Very beautifully is Life presented afterwards by Eliot, in contrast with its dark neighbour, as only “ an inn to rest in, a lodging for the night, an hostelry in our travels, in our continual journey to the mansion of our fathers!” Nay, he says, life itself, taken at the best, is only made up of a variety of deaths; one passion perishing, and another succeeding but to perish. “ So that our whole life is but an exercise of dying; and all the changes and vicissitudes of nature, death—in a measure and degree! Why then should death be thought so terrible? Where is the reason of that feare?” Rather, he afterwards suggests, should it be counted a matter of triumph and glory.

“ What martyrs have there been even in the work of dying! More joying, more rejoicing, than in all the acts of life! The glory of the Deity, the incarnate majesty of the Son, those incomprehensible mysteries of divinity then appearing to them, by revelation to their sense, or by illumination of the fancy,—the heavens opening to give free passage to their view,—these as it were descending unto them, giving them the possession here of that happiness, that eternal happiness and felicity which is the chief object of all hopes,—not that happiness we treat of, the *summum bonum* of this life, the *bonum publicum* of our monarchy, but the supernatural felicity to come, the transcendent happiness hereafter!”

Not, however, at these examples of the triumphant joys of martyrdom, sustained by the presence of the divine, will the imprisoned philosopher rest. There is a bravery coming nearer to his own, a grandeur of moral courage asking for no miracle to support or strengthen it.

“ I will resort to patterns of morality. Then, to see the confidence
“ in them, the willingness and cheerfulness of dying,—take it from
“ those Grecians, those three hundred at Thermopolis, who, for their
“ country, opposed themselves to all the power of Xerxes: to those
“ many millions of the Persians, whose thirst scarce seas could satisfy,
“ nor whole regions for one day find provisions for their hunger! Yet
“ unto these, those Grecians could expose themselves, so few against so
“ many, for the safety of their mother. The clouds of darts that fell
“ on them, they tear’d an umbrell for the sunne; their danger they
“ made glory; their death they thought their life; so far from terror
“ was it that they made it the subject of their hopes. O happy men!
“ thus for their country to have died! Most happy country, to have
“ brought forth such men! whose death became the charter of her
“ life, and to them a patent of immortality!”

Kindling into yet greater fervour at the thoughts that crowd upon him of such sublime example, he peoples the solitude of his prison with men of Rome, of Athens, and of Sparta—“ fellows whom Death itself might fear, sooner than be fearful unto them. Myriads of men,” he finely continues, “ are chronicled for a free acceptance of that fate: women did scorn their children that did not scorn to flie it!” And as he thus recalls the past, an example nobler than all the others rises up, because completer in the elements of moral grandeur, in the perfection of self-controul, the monarchy of man. The philosopher Canius, celebrated by Seneca, stands before him:

“ Who died not as Cato, to avoide the dying by his enemies, nor
“ suddainly, to prevent the torment of the time, nor as those Grecians
“ in the heat of blood and danger, when death does come unthought of,—
“ but giving it all leave of preparation, admitting all the circumstance of
“ terror, in that form which his enemies had cast it, to the extremitie of
“ their malice,—so he encounters, so he receives and meets it, even in
“ its very contemplation! His speculations were upon it, it was the
“ subject of his thoughts, and in that he valued it more precious than
“ his life.”

To this illustrious shadow of the past, Sir WALTER RALEIGH succeeds. His image had even yet scarcely vanished from the dark walls that surrounded the writer, and his spirit remained in the magnanimity of Eliot’s

soul. "Shall I not add, as parallel to this, a wonder and example of our own; such as if that old philosopher were yet living, without dishonour he might acknowledge as the equal of his virtue? Take it in that—else unmatched—fortitude of our RALEIGH! the magnanimity of his sufferings, that large chronicle of fortitude!" The rest of the passage has before been quoted;* and it is an admirable specimen of the manner of Eliot, when, disencumbered of the authorities by which it was too often overlaid, it escapes grand and unfettered as his thoughts, of which Hampden truly said that, ascending a region above the clouds that shadow ordinary men, they were fit and able to pierce such heights.

Still death lingers with Eliot, and he will not let the subject pass from him. Assuming that such instances of fearlessness in dying were of too exalted a character for emulation by all men, seeing that all had not the same motives or means of sustenance, he says, very beautifully: "There is no affection within man but has given examples in this case. Hope, joy, love, sorrow, pity, fear itself, has conquered it, the weakest of all others! The mere fear of death has forced men to act the thing they fear." And after some subtle reasoning to that point, he proceeds:

"Therefore, that truth so known, we may in a generality conclude that death and fear are conquered both by love. Sorrow can do as much. And we have it in the infirmest of her daughters, Pity, which is the tenderest of all thoughts, yet that subdues this fear, as Tacitus notes it of the multitudes after the fall of Otho."

Yet even here Eliot closes not: still he dwells and lingers on the praises and the privilege of Death.

"I shall then no more be sick; I shall then no more be bound; I shall then leave off to fear; I shall then not dye again. If death were an evil at the first, then it shall be no more. All the crosses and disasters, all the calamities and afflictions, all things that are fearful or evil in this life, then shall I be free from! No death shall thenceforth be an interruption to my happiness, therefore why

* See *ante*, 34-5.

“ should I fear it ? But if death have all these priviledges, why then
“ do we live ? why do we not, as Cleombrotus, having read Plato’s
“ discourses of the immortality of the soul, precipitate ourselves ?
“ hasten to that excellence ? press to that rich magazine of treasures ?
“ Why do we bear such miseries in life, there being such felicity in
“ death ? and the transition in our power, so facile and so ready ? The
“ answer with the ethicks is emergent : *mors non debet esse fuga actionum,*
“ *sed actio.* Death must not be a flight from action, but an action.
“ Subterfuge is the property of a coward ; blows and wounds are the
“ honor of a soldier. Dangers must not affright, but harden him,
“ where the cause requires his hazard.”

And so, with an increasing warmth of eloquence, impressing yet once more the necessity of subduing fear,
“ though the sun itself should tremble, though the
“ immense fabrick of the world should shake,” he closes
with urgent counsel that all men, in all cases, should

“ Expect calmly that issue which time and virtue have appointed.
“ Thus we must look for death ; not as an enemy, but a friend ; which
“ in his own hours visits us, expects no invitation, may not be com-
“ pelled, but has a free liberty before him. When he comes, he comes
“ attended by many priviledges, decked with flowers of happiness,
“ rest, and sweetness, and exemption of all the evils of life. Therefore
“ there is not the least cause to fear him, or to raise that jealousy and
“ distraction in our government.”

The matter next discussed is the duty of opposing the desires. With delicate and wise discernment he resumes his warning as to pleasure in connection with mere indulgences of sense ; enlarges on its jealousies and restless irresolution ; and depicts the cares, anxieties, and doubts, the thousand troubles and distractions that men in hope and men in love are charged with.
“ Pardon me, Love, that soe hardly I have matched
“ thee ! it is my reason, not my affection, that doth
“ speake it.” He shows the tragedies enacted by that passion, too many for theatre or amphitheatre to hold. He shows the insufficiency of its ordinary motives ; and, speaking of the vanity of mere personal beauty, introduces those touching references to Overbury and his writings, that “ fortunate unfortunate piece of merit,”

which already there has been occasion to quote.* He passes afterwards to riches, as another object of desire; and presents a fine companion picture to his deprecation of the evils of poverty.

“ Riches, wealth, the desire and passion to accumulate, these are all
 “ deceitful in their nature. Whereas we think them somewhat, when
 “ truth does speak them nothing; deceitful in their qualities—being
 “ flitting and uncertain, without any constancy or stability, always
 “ wing’d, and flying from one subject to another; deceitful in their
 “ use—as we take them to be helpful to our happiness, though working
 “ the contrary by continual anxieties and cares! Why should we
 “ then desire them, being no way to be trusted, but in all consisting of
 “ fallacy and frauds? Hast thou worth or merit that might challenge
 “ them as due? That is a mystery to them. They cannot discern
 “ it. The worthless and the worthy are equal in their sense. They
 “ are the main occasion of all differences, the *ager contentiosus*, as it
 “ were, the field of quarrel and contention, as that antiently near
 “ Berwick to the English and Scotch nations. If these be their pro-
 “ perties [properties], how can we then desire them? If they be but
 “ serviceable to these,—if they have no fellowship with honesty, if
 “ they dissolve the powers of reason and of virtue, if they be distractive
 “ and contentious, blind, mad, deceitful, and uncertain,—what is it
 “ that should make that attraction in our hearts, and disturb our self-
 “ sovereignty and command?”

Yet is there one mode, and only one, he says finely in leaving this subject, of converting the dross of wealth into real gold; and that is by the alchemy of virtue. You may have riches, you may desire them, if your purpose is to turn them to good. Make them, as the Latin poet had said, the instruments of virtue; let them be servants to that mistress. So you may live happily and well.

Honour in the mere worldly acceptance is next considered as an object of desire, to be dismissed with scorn. “ Something still may be said for beauty and
 “ for riches; but the honour and glory that the world
 “ so names, have no reality or substance, no solid
 “ being or existence, but are suppositious and imaginary,
 “ like those essences of philosophers, *quæ quasi sunt*, as

* See *ante*, 30–31; and *post*, lib. xii. § v.

“ they say, which are but as if they were.” Such honour is born of mere report or fame, and let its origin show what it is. “ In the mother, fame, take “ the quality of the daughter, honour.” And then he gives a striking paraphrase of the famous lines in Virgil’s fourth book, “ *illam terra parens,*” &c. &c.

After this follows a very masterly passage in which the claims of honour apart from mere report, but as little based on personal merit, are handled under cover of inquiry into the value of hereditary pretences to distinction.

“ And now to see whether this ‘ honor ’ be confined within an order, “ limited to persons and degrees, or left promiscuously to all, as their “ worths and qualities shall deserve it? Wherein let reason be the “ judge. Is it the reward of virtue or of fortune they would make it? “ Let them answer who so magnify this pretence. Do they apply that “ honor to their houses or themselves? Is it the distinction of their “ families, or the guerdon of their merits? If they will take it for distinction, ’tis but a name, and the poorest. The basest have as much, “ and small cause there is to glory in that subject. If it be the distinction of their families, the character of their houses, though it once “ implied a glory, what can it be to them more than treasures are to “ porters? But they will say, it is the glory of their ancestors, the “ acquisition of their virtues, ‘ and from them it does descend hereditarily to us.’ So may the porter say. That treasure is his master’s, “ and by his will imposed upon his shoulders: but to whose use, and “ in whose right, has he received it? in his own, or to his own profit “ and advantage? Masters would take this ill, if their servants should “ usurp it; and all men would condemn them both of falsehood “ and ingratitude. So is it, in the other, an injury to their ancestors, if “ they pretend that honor to be theirs. They can but carry it to *their* “ use, as a monument of *their* virtues that acquired it, not in their own “ interest and right, to the glory of themselves; nay, not without their “ shame whose purchase cannot equal it, being but the sole inheritors “ of the fortune, not the worth. But if they waive their families, and “ reduce it to themselves,—between their virtues and their fortunes, “ how will they divide it? If fortune do appropriate it, then the most “ vicious, the most ignorant, the most dishonorable, may be honorable; “ slaves, and they, may be equal in this kind; for not seldom have they “ tasted the liberality of fortune, and this honor none will envy them. “ If virtue be the loadstone that procures it, where is it? Let them “ shew it in the effect, and then I hope they’ll grant that all so qualified “ may be honorable. All men that have the virtue may participate.

"Where, then, is the propriety they challenge? where is that peculiar interest they claim? Certainly not in this. This honor will not bear it, which is the crown of virtue! All persons, all orders, all degrees extant, may be capable thereof. They are without exception or exclusion; and, for such other honors as are fancied, let them enjoy an immunity therein, I shall rather pity than malign them!"

He turns to that other truer honour. Resuming and pursuing the suggestion of the great Roman poet, he contrasts the huge incapable energies of the Titans with the calm accomplishing grandeur of the Gods, and says that in the eyes of the latter, and to the perceptions of philosophy, fame is nothing, and its mere accidents of little worth.

"In one word, honor is no other than to follow goodness. To be a servant unto virtue, is to be master of true honor; and without that service no honor can be had. Therefore the Romans, those most honorable above all men, in the temples which they dedicated, joined those of virtue and honor to each other, and to that of honor left no entrance or accession but through the gate of virtue; shewing by that symbol where true honor rests, and how it is attained, which is by following virtue. But how is that? how is virtue to be followed? in a fair and easy pace? will that conduce to honor? can honor be so had?"

In the same spirit and tone the questions are answered; and, after strong reiterated protest against the hereditary claim to appropriate honour "to any order or degree as is pretended," for that "to be gotten and descended even of princes is an accident," the subject is closed by allusion to those enemies of tyranny among the Romans, whose honour, because it was true, outshone the worst envy of those times. Eliot had a peculiar right to call to mind these men, for in his own nature he combined some of their noblest qualities, the fiery energy of Cassius with Brutus's brave philosophy.

"Tacitus notes it upon the funeral of Junia, where so many famous images were exhibited, the glory of their families, that Brutus and Cassius being omitted through the envy of those times, they outshined the rest because their statues were not seen. '*Eo ipso quod effigies eorum non viscebantur prefulgebant*,' as he has it. They being so concealed, their glory was the greater. Which shews that honor

“ is most had, when it is least affected. Why, then, should this disturb
“ us with ambition ? why should it make a faction in our government ?
“ why should it cause the distraction of our hopes ? Ambition cannot
“ purchase it, the hope thereof is in vain ; no art, no practice, can
“ acquire it, but by the rule of virtue. And so only as the virtue is
“ intended, let virtue be our aim. Leave that desire of honor. Let it
“ not be a worke of our affections, for in that case we must fight with
“ honor as with enemies.”

It will have been remarked with what close reasoning, with what unwavering steadiness of moral purpose and design, the main object and argument of the treatise are sustained. Eliot now examines his position.

“ And thus we see from the several objects of desire, how little cause
“ there is for that disturbance and impulsion. Honor contains no reason,
“ being rather an enemy than friend to that affection, flying and not following it. Beauty has as little, consisting but of vanity. Riches much less, that are but instruments of corruption. Also for fear, poverty, death, sickness, and the like, which have as small warrant and authority for that passion. Let us now search what more there is in Pleasure, that counterfeit of happiness, and apply our laws to that. For, being the most dangerous of our adversaries, it must the more cautiously be dealt with.”

To that subject accordingly he reverts, with the view of impressing more strongly in connection with all the rest the duty of self-restraint. A number of authorities are brought to bear upon it ; and occasion is taken to express the most exalted admiration of Homer as the father of literature and philosophy, greatest in both, “ a prophet and a poet.” Eliot amuses himself here also with notices of Lucian’s comments upon the supreme Greek master ; and from the resistance of Ulysses to the Syrens he draws and depicts with extraordinary vividness the lesson of a perfect self-controul. That wise prince bound himself, he says, restricting his own liberty.

“ But wherewith was that done ? What were the obligations he incurred ? How shall this come to us ? Most properly and most readily, if we will endeavour but that means, if we will use the example of that worthy. The same safety is for us, which was then wrought to him ; and that, this great prophet has delivered with all

"sincerity and fulness. You know he makes Vlysses then on ship
 "board. And that much experienced man, most curious of all know-
 "ledge, would needs add to that the musick of the Syrens, the per-
 "ception of that excellence; though not trusting to himself for the
 "resistance of their powers, in which both danger and destruction were
 "implied. To avoid this, he feigns to be fastened to the mast;
 "his men, meanwhile, do intend their labours, having their senses
 "stopped (vulgar appetites being not capable of such dainties). Now,
 "as this musick was but pleasure, those Syrens the occasion, so the
 "virtues were the cords that did restrain and bind him, reason the
 "mast to which he was so fastened, philosophy the ship in which he
 "sailed and went;—and in this ship, thus fastened to that mast, having
 "had both the occasion and delight, he escap't the dangers threaten'd,
 "and in that preserv'd the safety of his course. But what was that?
 "the same that is our government,—the way to happiness and felicity!
 "—This was his Ithaca, this was that course intended, and with these
 "helpes, notwithstanding all the difficulties, this he accomplished and
 "performed! Now is not this a plain direction unto us? Is not our
 "remedy, our deliverance from this danger, aptly express'd in this
 "mirror and example? Our syrens are not more, their harmonies not
 "stronger; the same ship we have, with the same tackle; the same
 "ropes, the same mast, continue still. Cannot our course, then, be
 "the same? Is not the same safety yet before us? If we doubt that
 "tackle will not hold us against those strong enchantments, let us stop
 "our senses, as Vlysses did with his men, and first avoid the occasion.
 "Nothing is lov'd, not known. Let us, then, stint our curiosity hereto,
 "and the desire will leave us. But how is that? how shall that work
 "be done? Is it to shun all pleasure, all occasions? That cannot be,
 "nor is it requisite to this. For virtue in the concrete is not absolute,
 "nor to be so expected in our monarchy."

The true touch of wisdom is in all this; and the deep
 and subtle spirit with which the whole exposition is con-
 ceived has further vent in a remarkable closing allusion
 to the sole condition that could ever render safe the
 harbouring of pleasure. Moderation and sobriety of
 indulgence are compatible with self-restraint.

"We daily see it in experience, that those who have least affections
 "are most violent (least, I mean, extensively, in respect of number and
 "the object); their passions being impetuous as contracted to that nar-
 "rowness, and masterless in that. As Tacitus notes it in Tiberius,
 "who, being most reserved and hidden unto all men, to Sejanus yet
 "was open and incautious. So it is likewise unto others. The heart,
 "being straitened by some objects, grows more violent in those
 "passions; the affection does enlarge, as the scope thereof is lessened."

“ Therefore we thus expose that precept of division: that pleasures may be a remission to the mind, not an intention—that we may taste, not swallow them—that the appetite may be obtemperate to reason, wherein only true pleasures doe consist.”

The obstructing passions, the impediments to man’s monarchy, thus disposed of, the philosopher turns to the elevation of the monarchy itself; and dilates upon the virtues by whose exercise and operation, condensed into two great purposes, the structure is to be raised.

“ Our next care must be how to obtain the virtue, how to possess the means, which must procure that end. And if that can be acquired, then is our felicity complete, then we have that perfection of our government, the *summum bonum* in philosophy, the *bonum publicum* in our policy, the true end and object of the monarchy of man. Two parts it has—action and contemplation. Of which the first divides itself into two branches like the virtue, *agendo* and *dicendo*, doing and saying, both which concur to action. By doing, is intended those travailles and motions of the body that are necessary in the performance of those works which the duty and office of our callings require;—by saying, is meant the expression of the tongue, whereby the intelligence of the heart is made communicable to others, and the thoughts are conveyed to the understanding of the hearers. In these two all action does consist, and so that part of the virtue and perfection. Both these have one rule of level and direction, which we did touch before, as the common duty of mankind. In that duty their office is implied, which is that it be profitable to many. To the general good and benefit it must be extended; first to all, then, after, to ourselves.”

A striking and valuable reminder is at this point interposed.

“ For all right of office is destroyed by the inversion of this order. To reflect first upon ourselves, our own particular interests, and then upon the general, is the contrary of duty, the breach of office and relation. Therefore to the publick, both our words and actions must first move; without respect, without retraction, for our private. They must first intend the common good and benefit, and so descend by degrees unto ourselves. For as members are in bodies for the perfection of the man, so men in bodies pollicke, as parts of these societies, and for the conservation of the whole; and to that end their chief endeavour must incline.”

With a noble fervour Eliot resumes. And in the few following lines we may read the governing principle

of his own life, the practice and moral of his own career, the sacrifices and self-denial he had offered in his own person before the altar of duty.

"Here some questions will arise;—how far this shall engage us? what latitude it imports? what cautions and exceptions it admits? Difficulties may occur, and those involve us in anxieties, with troubles and perplexities disturbing our tranquillities, distracting the quietness we are in. And shall we forsake that sweetness? shall we neglect that fatness of our peace (as the fig and olive said of old) for the publick use and service? for the profit and commodity of others? Yes! no difficulties may retard us, no troubles may divert us, no exception is admitted to this rule! but where the greater good is extant, the duty and office there is absolute, without caution, or respect. That greater good appearing, nothing may dissuade us from the work—no respect of ease, no respect of pleasure, no respect of the troubles we may meet,—but in performance of that duty, in accomplishment of that office, our troubles must seem pleasant, our labours must seem facile, all things easy, all things sweet therein;—for the rule is, *Officium non fructum sequi*, to observe the duty, not the benefit, to seek that end which is propounded in the general, not to propound an end and reason of our own. But dangers may be incident? it may betray our safeties, and expose our fortunes, expose our liberties, expose our lives, to hazard?—And shall we, then, adventure upon these? shall we forsake our safeties? shall we incur those dangers, for foreign interests and respects, for that which concerns but others, which is foreign unto us? Yes,—this likewise we are bound to, for obligation lies in this. No danger, no hazard, may deter us. The duty and office stand intire."

In Eliot's division of the virtues necessary to the structure of his proposed monarchy will be recognised the old principle of the ancients distinguishing the characteristics of wisdom, and separating the end of things to be done from the ways conducing thereto. Very beautiful is the passage that follows in praise and exaltation of philosophy.

"But how may *this* wisdom, then, be had? where may we seek and find it? The answer is most obvious,—in the doctrines of philosophy. For philosophy is the introduction to this wisdom; so both the word and reason do import: for by the word is signified only a love of wisdom, a love of that wisdom which we speak of; and that love will be accompanied with an endeavour to attain it, which is intended in the common sense and notion. For that science of philo-

“sophy is but a guest of wisdom, the study of that excellence. And
“so Plato gives it in his gradations unto happiness. Philosophy is the
“first step he makes, as the desire of wisdom ;—to which he adds the
“study, and contemplation to attain it. From that study and specu-
“lation he arises unto wisdom, from that wisdom unto happiness. So
“that philosophy is the principle. Wisdom does there begin, which
“has its end in happiness; and happiness in this order is the pro-
“duction of philosophy. In summe, all contemplation is but this, but
“this study of philosophy. If it ascend the heavens to view the glory
“of that beauty, philosophy does direct it. If it descend to measure
“the center of the earth, philosophy goes with it. If it examine
“nature and her secrets, philosophy must assist it. If it reflect on
“causes or effects, that turn is by philosophy. The contemplation of
“all ends, all beginnings, all successes, is propounded by philosophy.
“So as philosophy, in contemplation, is as prudence in the virtues,
“the architect and chief workman, that gives motion and direction to
“the rest. Great is the excellence of philosophy, as it is chief in
“contemplation, and the accomplishment of that virtue. Greater
“much it is, as it is a principle to wisdom, and an instructor of the
“counsel. But beyond all comparison it is greatest, as it is the first
“degree to happiness, as it leads in to that perfection of our govern-
“ment! No words can sufficiently express it, nor render a true figure
“of that worth. Being in contemplation, contemplation only must
“conceive it.”

The question next arises, which of these great divisions is to be regarded as the highest and most perfect? As an exercise of the faculties, in pure and single grandeur, Eliot at once pronounces in favour of philosophy, of contemplation: but is careful at the same time to modify this by pronouncing no wisdom complete without the active practices of virtue. Speaking on the first head he urges the superior greatness of the contemplative philosopher, in regard that his thoughts are fixed on the final intelligence.

“And he that levels at that mark, though he come short, yet shoots
“higher than he that aims but at man. Besides, there is this advantage
“in it: that nothing can be *contracted* from the president to prejudice
“or corrupt it, which lower examples may induce; but much per-
“fection may be *added*, by the elevation of the mind: as chemicks
“in the disquisition of the elixir, though the wonder be not found,
“yet have extracted great varieties by that labour, excellent demon-
“strations by that work. It is the way in part to resume the image
“wee have lost, for that was not an outward figure, but a resemblance

"in virtue. If that similitude was laid in virtue, it cannot so aptly be repaired as by the imitation of the Deity, in whom the exactness of all virtue does remain. This help philosophy does give us in the speculation of eternity;—and likewise it derives to our present view and prospect the knowledge of all antiquity, in what *their* happiness consisted, what were the ingredients of that compound, and how it was lost at first, whence the judgment may resolve what is true happiness to us."

On the second head, however, he immediately subjoins :

"But if so,—if philosophy and contemplation have this fruit, that these degrees of happiness be in them, and so direct a way to happiness itself,—how is it that we involve us in such toils, such anxieties and perplexities, to acquire it? It is a vanity and folly, by such hard labour to effect, when a less trouble, a less travail, comes so near. If philosophy and contemplation can procure it,—*these sweet and great motions of the soul*,—what need the co-operations of the body, those actions and those passions which virtue does require, and which is often force distraction, nay, destruction upon men? Yet they are needful; for without virtue, true happiness cannot be, and these compose the other half of virtue. For contemplation and action make the whole. Virtue consists only in both, and in part there is no perfection. Therefore to contemplation, action also must be joined, to make a compleat virtue; and by that virtue alone true happiness may be had."

And, desiring not to be misunderstood in what before he had said of the supreme claims of the contemplative virtues, he adds, with intimation that he will discuss the matter more fully in a future treatise (a design interrupted by death), that contemplation must still be considered as the chief.

"For contemplation is the beginning of all action, the principle of that motion: action but a derivative of that, and no derivative can be equal to the primitive, no second comparable with the first. All actions are but the emanation of the will, and the will receives her instance from the apprehension of the mind. But still both must be concurrent. Virtue is a composition of them both. Contemplation must prepare the matter of our happiness, action dispose and order it."

The great purpose accomplished, the structure raised on those foundations, Eliot cloies his labour with an

exalted eulogy on the independence and superiority of the mind of man. I present it entire. It is worthy to have closed a work of so much nobility in the conception, and marked by a variety and beauty of detail that might have given to the memory of our loftiest writers in prose fresh fame and lustre.

“ This makes up that perfection of our monarchy—that happineffe of the mind, which, being founded upon these grounds, built upon these foundations, no power or greatness can impeach. Such is the state and majestic, that nothing can approche it, but by the admision of these servants; such is the fastie and securitie, that nothing can violate or touch it, but by these instruments and organes; such is the power and dignitie, that all things must obey it. All things are subject to the Minde, which, in this temper, is the commander of them all. Noe resistance is against it. It breaks through the orbes and immense circles of the heavens, and penetrates even to the center of the earth! It opens the fountains of Antiquitie, and runs down the streame of time, below the period of all seasons! It dives into the dark counsells of eternitie, and the abstruse secrets of nature it unlocks! All places, and all occasions, are alike obvious to it! It does observe those subtil passages in the air, and the unknown pathes, and traces, in the deeps! There is that power of operation in the minde, that quickness and velocity of motion,—that in an instant it does passe from extremitie to extremitie, from the lowest to the highest, from the extreame point ot’h west to the horoscope and ascendant in the east. It measures in one thought the whole circumference of heaven, and by the same line it takes the geographie of the earth. The seas, the air, the fire, all things of either, are within the comprehension of the minde. It has an influence on them all, whence it takes all that maie be usefull, and that may be helpfull in its government. Noe limitation is prescribed it, noe restriction is upon it, but in a free scope it has liberty upon all. And in this liberty is the excellence of the minde; in this power and composition of the minde, is the perfection of a man; in that perfection is the happiness we look for,—when in all sovereignty it reigns, commanding, not commanded; when at home, the subjects are subject and obedient, not refractorie and factious; when abroad, they are as servants, serviceable and in readines, without hesitation or reluctance; when to the resolutions of the counsell, to the digests of the laws, the actions and affections are inclined,—this is that *summum bonum* and cheife good which in this state and condition is obtain’d! The minde for this has that transcendence given it, that man, though otherwise the weakest, might be the strongest and most excellent of all creatures. In that onlie is the excellence we have, and thereby are we made superior to

" the rest. For in the habits of the body, in all the faculties thereof,
 " man is not comparable to others, in sense and motion far inferior to
 " many. The antients suppose it the indiscretion of Epimetheus,
 " having the first distribution of the qualities, to leave us so defective,
 " when to the rest he gave an excellence in their kindes. As swiftnesse
 " and agilitie to some, strength and fortitude to others; and whom he
 " found weakest, these he made most nimble, as in the fowls and others
 " it is seene; and whom he found most slow, to these he gave most
 " strength, as bulls and elephants do expresse it; and so all others in
 " their kindes have some singularity and excellence, wherein there is a
 " compensation for all wants; some being armed offensively and defen-
 " sive, and in that having a provisional security. But Man only he left
 " naked, more unfurnished than the rest: in him there was neither
 " strength nor agility, to preserve him from the danger of his enemies;
 " multitudes exceeding him in either, many in both: to whom he stood
 " obnoxious and exposed, having no resistance, no avoidance for their
 " furies! But in this case and necessity, to relieve him, upon this over-
 " sight and improvidence of Epimetheus, Prometheus, that wise state-
 " man whom Pandora could not cozen, having the present apprehension
 " of the danger by his quick judgement and intelligence, secretly passes
 " into heaven, steals out a fire from thence, infuses it into man, by that
 " inflames his minde with a divine spirit and wisdom, and therein gives
 " him a full supplie for all! For all the excellence of the creatures he
 " had a far more excellence in this. This one was for them all. No
 " strength nor agility could match it. All motions and abilities came
 " short of this perfection. The most choice armes of nature have
 " their superlative in its arts. All the arts of Vulcan and Minerva
 " have their comparative herein. In this divine fire and spirit, this
 " supernaturall influence of the Minde, all excellence organicall is surpass;
 " it is the transcendant of them all; nothing can come to match it;
 " nothing can impeach it; but man therein is an absolute master of
 " himself; his own safetie and tranquillitie by God (for so we must
 " remember the Ethicks did expresse it) are made dependant on himself.
 " And in that self-dependance, in the neglect of others, in the intire
 " rule and dominion of himselfe, the affections being compos'd, the
 " actions soe directed, is the perfection of our government, that *bonum*
 " *bonum* in philosophie, the *bonum publicum* in our pollicie, the true end
 " and object of this MONARCHY OF MAN."

And so death found the writer, absolute master of
 himself. The throne of his prison sufficed for that
 monarchy; and he was satisfied to take his place among
 the soveraigns whose power has its beginning, not its
 ending, at the grave.

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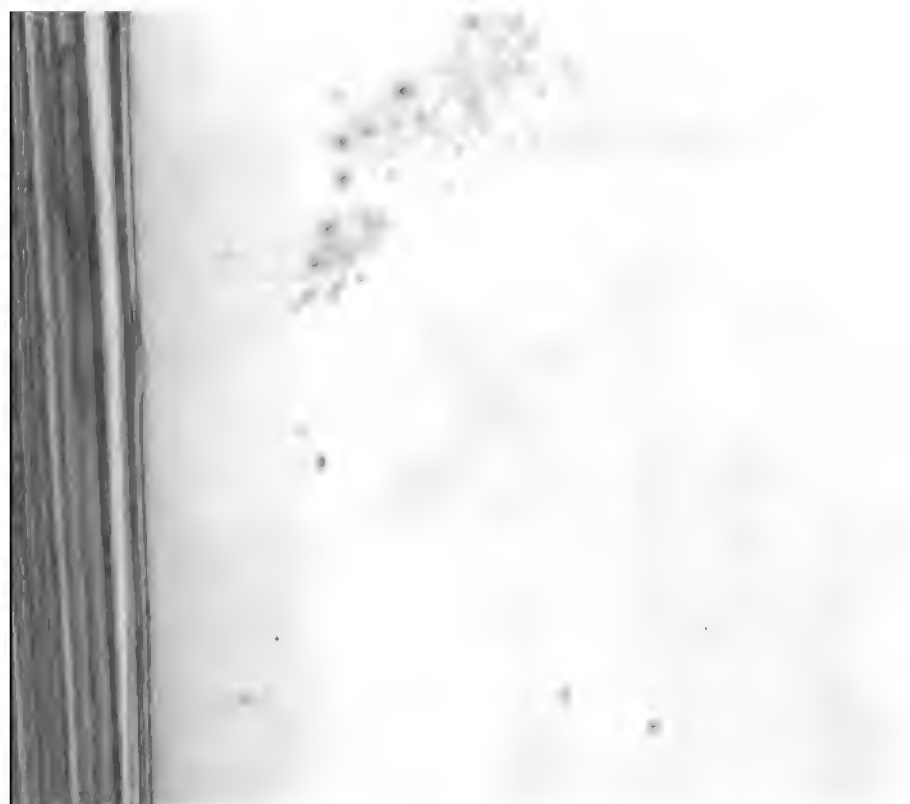
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